

Thursday, April 29, 2004 (at 11:00 o'clock A.M.).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Gracious God, we pause for a moment of reflection and prayer as we focus our thoughts and attention on You, spiritual realities and spiritual values. Often, each day's pressing legislative and personal responsibilities divert our attention from You and Your ways. In reality, Your assistance enables us to respond to and act on issues wisely and prudently. We believe that prayer deepens our faith in You, strengthens our hope in You and expands our charity for You and all people. We are grateful for Your guidance and help in our difficult struggles to come up with a reasonable, fair and relevant budget at a time of limited resources. May we always be guided by sound principles, a right conscience and a concern for the present and future well-being of people and the Commonwealth.

Bestow Your blessings on the Speaker, the members and employees of this House and their families. Amen.

At the request of the Speaker, the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Message from the Governor - Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill relative to the taxation of certain property in the town of Belmont [see House, No. 3980] (for message, see House, No. 4698) was filed in the office of the Clerk on Wednesday, April 28.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mrs. Paulsen of Belmont, to the committee on Bills in the Third Reading.

Guest of the House.

During the session, the Speaker declared a brief recess and introduced Scott McKenzie, Clerk of the Legislative Council (the Upper House) of the Tasmanian Parliament. Mr. McKenzie was the guest of the Speaker and the House Clerk.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mrs. Harkins of Needham) honoring Kevin W. Robinson for thirty years of devoted service to the town of Medfield;

Resolutions (filed by Mr. Ciampa of Somerville and other members of the House) urging the Massachusetts Congressional delegation to maintain federal substance abuse funding for the commonwealth;

Patton family.
Resolutions (filed by Mr. Hill of Ipswich) honoring the Patton family;

Michael Ari Schreiber.
Resolutions (filed by Mr. Kafka of Stoughton) congratulating Michael Ari Schreiber of Sharon upon his elevation to the rank of Eagle Scout;

Cynthia Kelley.
Resolutions (filed by Mr. Miceli of Wilmington) congratulating Cynthia Kelley on being named Billerica Lodge of Elks #2071 Teenager of the Year for 2004;

Tewksbury Hospital.
Resolutions (filed by Messrs. Miceli of Wilmington and Finegold of Andover) congratulating Tewksbury Hospital;

Martha E. Scarsdale.
Resolutions (filed by Mr. Naughton of Clinton) congratulating Martha E. Scarsdale on her election as President of the General Federation of Women's Clubs of Massachusetts;

Mark Alan Rogers.
Resolutions (filed by Messrs. O'Brien of Kingston and deMacedo of Plymouth) congratulating Mark Alan Rogers on receiving the Eagle Award of the Boy Scouts of America;

Leo A. Joubert.
Resolutions (filed by Ms. Stanley of West Newbury) congratulating Leo A. Joubert on the occasion of his retirement;

Merrimac Town Hall.
Resolutions (filed by Ms. Stanley of West Newbury) on the occasion of the rededication of the Merrimac Town Hall;

Tom Irving.
Resolutions (filed by Mr. Stanley of Waltham) congratulating Tom Irving on receiving the Eagle Award of the Boy Scouts of America; and

Hubie Jones.
Resolutions (filed by Representatives Wolf of Cambridge and Rushing of Boston) honoring Hubie Jones;

Mr. DiMasi of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Ms. Stanley, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Paper from the Senate.

Quincy, housing trust fund.
A petition (accompanied by bill, Senate, No. 2337) of Michael W. Morrissey, A. Stephen Tobin, Bruce J. Ayers and Ronald Mariano (with the approval of the mayor and city council) for legislation to authorize the city of Quincy to establish an affordable housing trust fund, was referred, in concurrence, to the committee on Local Affairs and Regional Government.

Proposal for a Legislative Amendment to the Constitution.

Rainy Day fund.
Mr. Rogers of Norwood for the joint committee on Ways and Means, on the petition (accompanied by proposal, House, No. 4691) of Thomas M. Finneran, John H. Rogers and other members of the House for a legislative amendment to the Constitution creating a permanent "Rainy Day" fund to provide stable revenues for the Commonwealth,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 4691), ought to pass.

The report was read, and placed on file, in accordance with the requirements of said rule.

Initiative Amendment to the Constitution.

Under the provisions of Joint Rule 23, the following report was placed on file, the time on which the said committee was required to report having expired:—

Initiative petition, health insurance.

Of the committee on Health Care, ought NOT to pass (under Joint Rule 23) on the petition (accompanied by proposal, House, No. 4444) of Initiative petition of Harold Hestnes and others for the passage of a Proposal for an Initiative Amendment to the Constitution relative to the provision of health insurance.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Demetrius J. Atsalis relative to the determination of distribution of state aid for education. Under suspension of the rules, on motion of Mr. Atsalis of Barnstable, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Education, Arts and Humanities. Sent to the Senate for concurrence.

State education aid.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a petition, a Bill authorizing the city of Lowell to pay a bill (House, No. 4521) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Lowell, bill payment.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Nangle of Lowell, the bill was read a second time forthwith; and it was ordered to a third reading.

Orders of the Day.

Mr. DiMasi of Boston being in the Chair,— the House Bill making appropriations for the fiscal year 2005 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4600, amended) was considered.

General Appropriation Bill.

Pending the question on passing the bill, as amended, to be engrossed, Mr. Fagan of Taunton asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. DiMasi), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 149 members were recorded as being in attendance. No. 613.

Quorum, yea and nay

[See Yea and Nay No. 613 in Supplement.]

Therefore a quorum was present.

Subsequently a statement of Mrs. Canavan of Brockton was spread upon the records of the House, as follows:

Statement of
Representative
Canavan of
Brockton.

MR. SPEAKER: During the taking of the above quorum roll call, I was absent from the House Chamber on official business in another part of the State House and not notified that a roll call was being held.

Subsequently a statement of Mrs. Parente of Milford was spread upon the records of the House, as follows:

Statement of
Representative
Parente of
Milford.

MR. SPEAKER: During the taking of the above quorum roll call, I was absent from the House Chamber on official business in another part of the State House and not notified that a roll call was being held.

Subsequently a statement of Ms. Polito of Shrewsbury was spread upon the records of the House, as follows:

Statement of
Representative
Polito of
Shrewsbury.

MR. SPEAKER: During the taking of the above quorum roll call, I was absent from the House Chamber on official business in another part of the State House and not notified that a roll call was being held.

Representatives Finneran of Boston and St. Fleur of Boston and other members of the House then moved that the bill be amended in section 2, by inserting after item 7061-9634 (inserted by amendment) the following item:

“7062-0000 For the maintenance and operation of the board of early education and care; provided that said board may enter into interagency service agreements with other state agencies for the administration of early education and care services 50,000”;

By inserting after item 0950-0000 the following item:

“9700-0010 For the advisory board on early education and care established pursuant to section 259 of this act 40,000”; and

By adding at the end thereof the following seven sections:

“SECTION 258. The Massachusetts General Laws are amended by inserting after Chapter 15C the following new chapter:-

Chapter 15D

Section 1. There shall be a department of early education and care, in this chapter called the department, which shall serve as the lead agency for the administration of all public and private early education and care programs, services and contracts, and which shall be the state agency responsible for compliance with early education and care services under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. 104-193), or any successor federal statute. The department shall seek, apply for and encourage the use of any federal funds for early education and care services, and shall facilitate the coordination of federal, state, and local policies concerning early education and care. Said department shall be under the supervision and management of a commissioner of early education and care.

Section 2. There shall be a board of early education and care, hereinafter referred to as the board. The board shall set policies and establish regulations related to early education and care programs, services and contracts.

The board shall consist of the secretary of the executive office of health and human services, ex officio, the commissioner of the

department of education, ex officio, the chancellor of higher education, ex officio, one member appointed by the auditor of the commonwealth, and five members appointed by the governor. Of the members appointed by the governor, one shall be a representative of the business community, selected by the governor from a list of three nominees provided by the Massachusetts Business Alliance for Education, one shall have had practical experience in the management and administration of early education and care programs and be committed to maximizing family choice by preserving a mixed system of high-quality public and private programs, selected by the governor from a list of three nominees provided by the Massachusetts State Labor Council, AFL-CIO, one shall be a pediatrician with a focus on child development, selected by the governor from a list of three nominees provided by the Massachusetts Chapter of the American Academy of Pediatrics, one shall be a parent or guardian of a child receiving early education and care services, and one shall be a person nationally recognized for research in the field of educational or developmental psychology. In making such selections, the governor shall seek to appoint persons who are from geographically diverse regions of the commonwealth, who are familiar with the differing interests, perspectives and needs of urban, rural and suburban regions, and who reflect the ethnic and racial diversity of the population served by the commonwealth's early education and care services.

Five members shall constitute a quorum, and the affirmative vote of five members shall be necessary for any action taken by the board.

Appointed members shall serve for terms of five years. Notwithstanding the provisions of any general or special law to the contrary, of the five initial board members appointed by the governor, one shall be appointed for a one year term, one shall be appointed for a two year term, one shall be appointed for a three year term, one shall be appointed for a four year term, and one shall be appointed for a five year term; provided that the initial board member appointed by the auditor shall be appointed for a term of five years. No member shall be appointed to serve more than two consecutive full terms. Upon expiration of the term of office of an appointed member, a successor shall be appointed in like manner. A vacancy shall be filled by the governor or auditor, as the case may be, for the remainder of the term. If the governor does not make an appointment for any vacancy of a gubernatorial appointee within nine months, the auditor of the commonwealth shall make said appointment. If an appointed member is absent from any five regularly scheduled meetings, exclusive of July and August, in any calendar year, his office as a member of said board shall be deemed vacant. The chairperson of the board shall forthwith notify the governor and the auditor that such vacancy exists.

No appointive member of said board shall be employed by or receive regular compensation from the department of early education and care. The board shall appoint a chairperson by a majority vote of all of its members. The board shall meet not fewer than ten times annually at the call of the chairperson. The members of the board shall serve without compensation, but shall be reimbursed for all expenses reasonably incurred in the performance of their duties.

Section 3. The board of early education and care shall by a two-thirds vote of all its members appoint a commissioner of early education and care, in this chapter called the commissioner, and may in its discretion by majority vote of all its members remove said commissioner. The commissioner shall be the secretary to the board and its chief executive officer. The commissioner shall receive a salary to be determined by the board. Subject to the approval of the board of early education and care, the commissioner may apply for and accept on behalf of the commonwealth, any federal, local, or private grants, bequests, gifts, or contributions to aid in the financing of any of the programs or policies of the department. Such funds shall be received by the state treasurer on behalf of the commonwealth and deposited in a separate account and shall be expended under the direction of the commissioner, with the approval of the board of early education and care. Federal funds paid as reimbursement to the commonwealth shall be deposited in the General Fund.

Section 4. The board shall oversee and supervise the administration of a high-quality system of public and private early education and care. The board shall oversee and supervise the development and implementation of a voluntary, universally accessible, high-quality early education and care program for all three and four year old children in the commonwealth which improves children's readiness for school, subject to appropriation. The board shall oversee the development and management of a comprehensive evaluation of early education and care programs, including the establishment of baseline data to inform the design and implementation of said universally accessible, high-quality early education and care program for three and four year old children; provided that, said board shall annually evaluate such early education and care system. The board, in consultation with the board of higher education, shall oversee a workforce development system designed to support the education, training and compensation of the early education and care workforce, including all center, family child care, infant, toddler, preschool and school-age providers.

Section 5. The board shall review and approve federal grant applications for early education and care programs and may develop guidelines as needed for the disbursement of such funds in accordance with law. The board shall be the approving authority for all federal early education and care grants and programs to be undertaken by public and private early education and care programs in the commonwealth. The board shall be the state education agency for the purposes of early education and care services under federal law.

Section 6. The board shall submit an annual report to the governor, the clerks of the House Representatives and Senate, and the joint committee on education, arts and humanities, describing its progress in achieving the goals and implementing the programs described in this chapter.

SECTION 259. Section 1E of chapter 15 of the Massachusetts General Laws, as appearing in the 2002 Official Edition, is hereby amended by inserting after the word 'education,' in line 4, the following new phrase:- 'the commissioner of early education and care' and is further amended by striking the word 'five' in line 8 and inserting in its place thereof the word 'four'.

SECTION 260. Section 4 of chapter 15A of the Massachusetts General Laws, as most recently amended by section 683 of chapter 26 of the acts of 2003, is hereby amended by striking the first sentence and inserting in place thereof the following:—

The board of higher education, hereinafter referred to as the board, shall be composed of 11 voting members, consisting of the commissioner of education, ex officio, the commissioner of early education and care, ex officio, and 6 members appointed by the governor reflecting regional geographic representation, and 3 members chosen to represent public institutions of higher education.

SECTION 261. There is hereby established an advisory committee on early education and care for the purpose of undertaking a study and making recommendations on those foundational and organization elements that will allow the state to build a first-rate early education and care system that provides every three and four year old child access to a high quality early education and care program which meets professionally accepted standards and is delivered by a well-trained early educator in a variety of public and private settings under the provisions of chapter 15D, and in conjunction with special education services offered by the department of education, if applicable. In carrying out its study, the advisory committee shall review relevant documents, including the 2001 Report of the Governor's Commission on School Readiness and the 2004 Report of the Massachusetts Early Education and Care Council. The advisory committee shall identify elements of a workforce development system designed to support the education, training and compensation of the early education and care workforce. The advisory committee shall seek to determine elements of a multi-purpose school readiness assessment system for preschool children, as well as an independent evaluation mechanism to monitor program quality.

The advisory committee shall consist of the house and senate chairs of the joint committee on education, arts, and humanities, who shall serve as co-chairs of the advisory committee, the speaker of the house of representatives, or his designee, the senate president, or his designee, the house minority leader, or his designee, the senate minority leader, or his designee, the governor, or his designee, the chair of the house ways and means committee, or his designee, the chair of the senate ways and means committee, or his designee, the chair of the children's caucus, or his designee, the commissioner of education, or his designee and one person appointed by said commissioner from early learning services, the chancellor of higher education, or his designee, the commissioner of public health, or his designee, the commissioner of the office of child care services, or his designee, and one person appointed by said commissioner from the office of child care services, the commissioner of the department of social services, or his designee, the commissioner of the department of mental health, or his designee, the commissioner of the department of transitional assistance, or his designee, the commissioner of the department of mental retardation, or his designee, and one representative selected by each of the following organizations: the Massachusetts Association for the Education of Young Children, the Children's Trust Fund, Massachusetts

Head Start Association, Strategies for Children, the Massachusetts Association of Community Partnerships for Children, the Massachusetts Association of Day Care Administrators, the U.S. Department of Health and Human Services Administration for Children and Families, the Massachusetts Child Care Resource and Referral Agencies Network, the Massachusetts Independent Child Care Organization, the Early Intervention Consortium, the Massachusetts Chapter of the American Academy of Pediatrics, the Federation for Children with Special Needs, the YMCA's of Massachusetts, The Massachusetts Association of Early Childhood Teacher Educators, the Massachusetts Association of School Superintendents, the Massachusetts Community Colleges Executive Office, the Massachusetts Council of State College Presidents, the Massachusetts Association for Community Action, and five additional members appointed by the advisory committee co-chairs, one of whom shall be a representative of a family child care system, and one of whom shall be a parent.

The advisory committee shall submit a report containing its recommendations by filing the same with the clerks of the senate and house of representatives, the senate and house committees on ways and means, and the joint committee on education, arts, and humanities not later than December 31, 2004.

SECTION 262. The council on early education and care created pursuant to section 608 of chapter 140 of the acts of 2003 shall develop a comprehensive plan to consolidate and transfer the management and administration of programs, services, contracts and funding for all existing early education and care programs and services from the department of education and the office of child care services, to the department of early education and care, established pursuant to Chapter 15D. Further, the council shall identify statutory and regulatory duplication of early education and care program administration and services under chapter 28A, and section 54 of chapter 15, and shall recommend consolidation of early education and care line items.

The council shall submit a report containing its recommendations by filing the same with the clerks of the senate and house of representatives, the senate and house committees on ways and means, and the joint committee on education, arts, and humanities not later than December 31, 2004; provided that the work of the council shall end upon the submission of said report.

SECTION 263. Sections 1, 3, and 6 of section 258 and Section 259 and 260 of this act shall take effect on July 1, 2005.

SECTION 264. Sections 2, 4 and 5 of section 258 of this act shall take effect on April 15, 2005."

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Finneran; and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 614 in Supplement.]

Therefore the amendments were adopted.

At twenty-eight minutes after twelve o'clock noon (Thursday, April 29), on motion of Mrs. Harkins of Needham (Mr. DiMasi of

Boston being in the Chair), the House recess until one o'clock P.M.; and at twenty-seven minutes after one o'clock the House was called to order with Mr. DiMasi in the Chair.

Mr. Rogers of Norwood and other members of the House then moved that the bill be amended in section 2, in item 1599-3857 by striking out the figures "550,442" and inserting in place thereof the figures "1,100,000";

By striking out items 7100-0200 and 7100-0300, and inserting in place thereof the following three items:

"7100-0200 For the operation of the University of Massachusetts; provided, that notwithstanding any general or special law to the contrary, the university may establish and organize auxiliary organizations, subject to policies, rules and regulations adopted by the board, to provide essential functions which are integral to the educational mission of the university; provided further, that notwithstanding any general or special law to the contrary, the university may enter into leases of real property without prior approval of the division of capital asset management and maintenance; provided further, that funds appropriated herein shall be expended for the University of Massachusetts at Amherst Cranberry Station at Wareham in fiscal year 2005; provided further, that such funds shall be expended in accordance with a plan reviewed and recommended by the University of Massachusetts at Amherst Cranberry Experiment Station Board of Oversight; provided further, that not less than \$500,000 shall be expended so the Center for Portuguese Studies shall operate at the University of Massachusetts at Dartmouth; provided, further, that the sum expended for UMass Extension in fiscal year 2005 shall be adjusted only in direct proportion to university budget adjustments to other academic programs of the University of Massachusetts Amherst; provided further, that such funds shall be expended in accordance with a plan reviewed by the UMass Extension Board of Public Overseers; provided further, that not less than \$100,000 shall be expended for University of Massachusetts at Amherst school of food science for the evaluation and development of science based food policy and regulation; provided further, that not less than \$125,000 for a Labor Studies program at Amherst, Boston, Dartmouth, and Lowell; provided further that not less than \$50,000 shall be expended for the 4-H program; and provided further, that no funds appropriated herein may be used for the issuance and/or renewal of student or employee identification cards which display the student or employee's social security number

334,386,819

7100-0300	For the operation of the toxics use reduction institute program at the University of Massachusetts at Lowell, in accordance with section 6 of chapter 21I of the General Laws	1,139,853
7100-0350	For an assessment at the toxic use reduction institute on the feasibility of adopting chemical and/or technological alternatives for the following toxic or hazardous substances: lead, formaldehyde, trichloroethylene, perchloroethylene, dioxins and furans, hexavalent chromium, organophosphate pesticides, pentabromodiphenyl ether (Penta BDE), 2,4, Dichlorophenoxyacetic acid (2,4, D) and di-(2-ethylhexyl)phthalate (DEHP); provided, that said assessment shall, for each named toxic or hazardous substance, identify: (1) significant uses of the toxic substance in the Commonwealth in manufacturing, consumer products and any other applications, (2) potential human health and environmental impacts, (3) any and all alternative chemicals and/or technologies, both proven and emergent, and an analysis of their potential to serve as substitutes for one or more of the toxic or hazardous substances list above, which shall include a assessment of: (a) specific applications of any alternative chemical and/or technology, (b) potential impacts on the environment, human health, workers, employment level and economic competitiveness of the Commonwealth from adopting and implementing any alternative chemical and/or technology as substitutes, (c) the economic opportunities or feasibility of adopting and implementing any alternative chemical and/or technology as a substitute including, but not limited to, consideration of the potential effects on capital, operating and production unit costs, and product price, to result from said substitution; and provided further, that the Institute shall report its findings to the joint committee on natural resources and agriculture by July 1, 2005.....	250,000”;

By striking out items 7100-0500, 7109-0100, 7110-0100, 7112-0100 and 7113-0100 and inserting in place thereof the following six items:

“7100-0500	For the operation of the board of higher education’s Commonwealth College honors program at the University of Massachusetts at Amherst	1,697,850
	<i>State Colleges.</i>	
7109-0100	For Bridgewater State College; provided, that not less than \$245,814 shall be expended for the operation of the John Joseph Moakley Center for Technological Applications at Bridgewater State College; and provided further, that the initiative shall be conducted on the site of the col-	

	lege for the purposes of technological applications to classroom teaching and initiatives in distance learning and economic development in conjunction with business and industry in southeastern Massachusetts	29,241,383
7110-0100	For Fitchburg State College	22,028,942
7112-0100	For Framingham State College; provided, that not less than \$160,000 shall be expended for the regional economic research center	18,131,050
7113-0100	For the Massachusetts College of Liberal Arts	10,911,369
7113-0105	For capacity building at Massachusetts College of Liberal Arts in conjunction with a pilot wireless learning initiative in conjunction with the Massachusetts Technology Collaborative	250,000”;

By striking out items 7114-0100 and 7114-0101 and inserting in place thereof the following three items:

“7114-0100	For Salem State College	29,081,972
7114-0101	For a reserve for the operation and maintenance costs associated with the acquisition of the GTE/Sylvania property located in the city of Salem	701,383
7114-0105	For the aquaculture program at Salem State College established pursuant to section 274 of chapter 38 of the acts of 1995	200,000”;

By striking out items 7115-0100, 7116-0100 and 7116-0101 and inserting in place thereof the following four items:

“7115-0100	For Westfield State College	18,255,167
7116-0100	For Worcester State College	18,442,271
7116-0101	For the Latino Education Institute at Worcester State College.....	198,000
7116-0105	For a matching grant for improvements to rockwood field located at Worcester State College; provided, that said match shall be one dollar of private funds for every dollar of state funds raised through alumni contributions; provided, that no funds shall be expended until an equal or greater amount has been raised through alumni contribution and committed by Worcester State College foundation for said project; and provided further, that said college shall work with the city of Worcester	125,000”;

By striking out items 7117-0100, 7118-0100, 7502-0100, 7503-0100, 7504-0100, 7504-0101, 7505-0100, 7506-0100, 7507-0100, 7508-0100, 7509-0100, 7510-0100 and 7511-0100 and inserting in place thereof the following fourteen items:

“7117-0100	For the Massachusetts College of Art	9,071,228
7118-0100	For the Massachusetts Maritime Academy	9,408,263

Community Colleges.

7502-0100	For Berkshire Community College	7,725,620
7503-0100	For Bristol Community College	12,425,614
7504-0100	For Cape Cod Community College provided that funds may be expended for a feasibility study for on-campus housing.....	9,098,600
7504-0101	For the operation of an environmental technology, education, and job training partnership through the Cape Cod Community College; provided, that the college shall coordinate said partnership with the Massachusetts Maritime Academy and the University of Massachusetts at Dartmouth; provided further, that the initiative shall be conducted at the Massachusetts military reservation, or at any site on Cape Cod determined by the college to be suitable for the purposes of on-site education and training in the use of alternative technologies to clean up designated superfund sites; provided further, that preference shall be given to local applicants; and provided further, that the executive office of environmental affairs and the University of Massachusetts at Dartmouth shall participate in the testing and evaluation of innovative technologies	94,395
7505-0100	For Greenfield Community College	7,453,556
7506-0100	For Holyoke Community College.....	14,674,492
7507-0100	For Massachusetts Bay Community College	11,443,374
7508-0100	For Massasoit Community College	15,950,502
7509-0100	For Mount Wachusett Community College	9,191,583
7510-0100	For Northern Essex Community College	15,163,084
7511-0100	For North Shore Community College, including the post secondary programs of the Essex Agricultural and Technical Institute operated by North Shore Community College.....	16,541,568
7511-0101	For the establishment and administration of the public policy institute and resource center at North Shore Community College.....	250,000";
By striking out items 7512-0100, 7514-0100, 7514-0102, 7515-0100, 7515-0120, 7515-0121, 7516-0100 and 7518-0100 and inserting in place thereof the following eight items:		
"7512-0100	For Quinsigamond Community College	11,956,456
7514-0100	For Springfield Technical Community College	18,842,171
7514-0102	For the Massachusetts Center for Telecommunications and Information Technology through the Springfield Technical Community College Assistance Corporation, as established by section 125 chapter 273 of the acts of 1994;	

provided, that the amount appropriated in this item shall include, but not be limited to, operating and maintaining cable television programming, distance learning curricula, telecommunications-intensive company facilities, and a small business incubator; provided further, that funds shall be allocated for a reserve for the operation and maintenance expenses incurred by Springfield Technical Community College associated with the acquisition of the Digital property; provided further, that the college may expend revenues in an amount not to exceed \$575,000 received from rent, utility, and other charges for the operation and maintenance of the property; and provided further, that funds shall be encumbered for an emergency reserve for unanticipated operating and maintenance expenses of Springfield Technical Community College in the acquisition of the Digital property.....		535,206
7515-0100	For Roxbury Community College	8,827,356
7515-0120	For the operation of the Reggie Lewis Track and Athletic Center at Roxbury Community College	674,278
7515-0121	For the Reggie Lewis Track and Athletic Center at Roxbury Community College; provided, that the college may expend an amount not to exceed \$529,843 received from fees, rentals, and facility expenses associated with the running and operation of national track meets, high school track meets, high school dual meets, Roxbury Community College athletic events, other special athletic events, conferences, meetings, and programs; and provided further, that only expenses for contracted services associated with these events shall be funded from this item.....	529,843
7516-0100	For Middlesex Community College	15,403,816
7518-0100	For Bunker Hill Community College; provided, that \$108,000 shall be obligated for the life focus center	15,614,114";

By striking out section 90; and

By adding at the end thereof the following eight sections:

"SECTION 265. Notwithstanding the provisions of any general or special law to the contrary, no state college, the Massachusetts College of Liberal Arts, Massachusetts College of Art, Massachusetts Maritime Academy, or any community college shall make any expenditure for the issuance and/or renewal of student or employee identification cards which display the student or employee's social security number.

SECTION 266. Section 633 of chapter 26 of the acts of 2003 is hereby amended by striking the second and third paragraphs, and

inserting in place thereof the following: - Notwithstanding any general or special law to the contrary, for employees of public higher education institutions who are paid from tuition retained pursuant to this section, fringe benefits shall be funded as if those employees' salaries were supported by state appropriations. This provision shall apply only to fringe benefits associated with salaries paid from tuition retained by the boards of trustees of public higher education institutions as a direct result of the implementation of this section; provided, that this provision shall apply only in fiscal years 2004 and 2005, in the case of the University of Massachusetts, and in the case of the Massachusetts College of Art shall apply only in fiscal years 2004, 2005, 2006, 2007, and 2008.

The Massachusetts College of Art shall submit a plan to the House and Senate Committees on Ways and Means, and the Joint Committee on Education, Arts and Humanities, on or before December 31, 2004, detailing how the college will pay the cost of fringe benefits after fiscal year 2008.

SECTION 267. Section 7A of Chapter 15 A of the General Laws, as amended by chapter 26 of the acts of 2003, is hereby amended by striking out subsection (f) and inserting in place thereof the following subsection:—

(f) The board shall use accountability objectives, performance measures and each institution's mission implementation plan to conduct annual evaluations of the performance of each institution. If an institution fails to meet a reasonable number of the accountability objectives, as determined by the performance measures, within a given year, the institution's board of trustees shall develop and implement a performance improvement plan and timetable to be approved by the board of higher education. Each plan shall be submitted to the house and senate committees on ways and means and the joint committee on education, arts and humanities. If the institution fails to achieve the agreed to targeted improvements and timeline, funds appropriated for the institution in the following fiscal year shall be disbursed by the board of higher education to the institution's board of trustees subject to the board's approval. The board shall not be prevented from amending the institutional allocation of any such institution.

SECTION 268. Section 5 of Chapter 15A of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out the second paragraph and by inserting in place thereof the following paragraph:—

The board shall coordinate activities among the public institutions of higher education and shall engage in advocacy on their behalf, which advocacy shall include a sustained program to inform the public of the needs, the importance and the accomplishments of the public institutions of higher education in the Commonwealth.

SECTION 269. Section 2 of Chapter 245 of the Acts of 2002 is hereby amended by inserting in item 7066-2010, in line 6, after the word 'grounds', the following words:- ; provided that notwithstanding any other provision of this act or of any general or special law to the contrary, the commissioner of capital asset management is hereby authorized to enter into a lease for all or any portion of the

former Attleboro high school in the city of Attleboro on such terms as the commissioner and the president of Bristol community college for use by the college; and provided further, that notwithstanding any other provision of this act said commissioner is hereby authorized to expend any bond funds authorized by this act to make any improvements to said former Attleboro high school as may be deemed appropriate or necessary by said commissioner and said president for the use of said building by Bristol community college, including but not limited to improving handicapped accessibility at said building.

SECTION 270. Section 18 of chapter 773 of the acts of 1960, as most recently amended by section 52 of chapter 140 of the acts of 2003, is hereby further amended in the second paragraph, by striking out the second and third sentences.

SECTION 271. Section 260 of Chapter 127 of the Acts of 1999 is hereby amended by striking out all language following the semicolon in the first sentence.

SECTION 272. The Secretary of Administration and Finance shall submit a report to the House and Senate Committees on Ways and Means on or before July 15, 2004. Said report shall contain specific reasons for the failure to recommend to the general court that the general court appropriate monies so requested, under Section 7 of Chapter 150E, on the collective bargaining agreement between the University of Massachusetts and Local 888 (Classified Staff), Service Employees Union International, AFL-CIO signed December, 2003.”.

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Ms. St. Fleur of Boston; and on the roll call 151 members voted in the affirmative and 6 in the negative.

Amendments
adopted,
yea and nay
No. 615.

[See Yea and Nay No. 615 in Supplement.]

Therefore the amendments were adopted.

At a quarter before three o'clock P.M. (Thursday, April 29), on motion of Mr. Jones of North Reading (Mr. DiMasi of Boston being in the Chair), the House recessed until a quarter after three o'clock; and at seventeen minutes after four o'clock the House was called to order with Mr. DiMasi in the Chair.

Recess.

Mr. Sullivan of Fall River and other members of the House then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 273. The Department of Environmental Protection, Solid Waste Management Section shall close the BFI landfill located in the city of Fall River at the completion of Phase II, Cell D. With the completion of Phase II, Cell D the landfill in Fall River will no longer accept any waste matter, ash, or any other material. Only material to complete the closing will be accepted at the facility. This closure also includes any expansion into any other portion of the landfill site, including Phase III.”.

Pending the question on adoption of the amendment, Mr. Jones of North Reading asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. DiMasi of Boston), having

Quorum.

determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 155 members were recorded as being in attendance.

[See Yea and Nay No. 616 in Supplement.]

Therefore a quorum was present.

Mr. Sullivan then moved that the amendment offered by him be amended by striking out the text thereof and inserting in place thereof the following:

“SECTION 273. Following the requirement by the Department of Environmental Protection to close Phase II of the BFI Landfill located in the city of Fall River, no waste matter, ash or other materials except that required to complete the closure of Phase II shall be accepted. No expansion into Phase III or any other portion of the aforementioned landfill shall be allowed.”.

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 53 members voted in the affirmative and 102 in the negative.

[See Yea and Nay No. 617 in Supplement.]

Therefore the further amendment was rejected.

The pending amendment then also was rejected.

Mr. Rogers of Norwood and other members of the House then moved that the bill be amended in section 2, in item 2000-0100, by adding at the end thereof the following: “; provided further, that \$100,000 shall be expended for a coastal shore water testing program administered by the Coalition for Buzzards Bay”;

In item 2000-9900, by striking out the figures “254,468” and inserting in place thereof the figures “278,791”;

In item 2000-9912, by striking out the figures “200,000” and inserting in place thereof the figures “400,000”;

In item 2030-1000, by striking out the figures “9,208,588” and inserting in place thereof the figures “9,458,588”;

In item 2200-0100, by adding at the end thereof the following: “; provided further, that funds may be expended for a water resource identification project in the town of Carver; provided further, that \$350,000 shall be expended for coastal pollution remediation for storm water discharge to improve the water quality of Buzzards Bay in the town of Dartmouth; provided further, that funds may be expended for the purpose of conducting a Comprehensive Site Assessment of South Meadow Pond and the presence of leachate from the former Clinton Landfill site; provided further that not less than 116 full-time employees shall be staffed at the southeastern Massachusetts regional area office, not less than 130 full-time employees shall be staffed at the central Massachusetts regional area office, and not less than 87 full-time employees shall be staffed at the western Massachusetts regional area office”;

In item 2250-2000, by striking out the figures “1,411,330” and inserting in place thereof the figures “1,506,194”;

In item 2260-8870, by adding at the end thereof the following: “; provided further, that \$90,000 shall be expended for Brownfield redevelopment in the City of Lynn”;

In item 2260-8881 by striking out the figures “324,492” and inserting in place thereof the figures “334,308”;

By inserting after item 2260-8881 the following item:

“2300-0100 For the office of the commissioner; provided further, that the commissioners office shall assess and receive payments from the division of marine fisheries, the division of fisheries and wildlife, the public access board, the riverways programs, and all other programs under the control of the department of fish and game, provided further that the purpose of said assessments shall be to cover appropriate administrative costs of the department, including but not limited to payroll, personnel, legal and budgetary costs; and provided further, that said amount and contribution from each division or program shall be determined by the commissioner of fish and game 150,000”;

In item [A] 2300-0101 [later corrected to “2310-0200” by unanimous consent of the House], in line 2, by striking out the words “for the office of the commissioner”; and in said item, by adding at the end thereof the following: “; provided, that \$25,000 shall be expended for a matching grant to repair a culvert on brook hollow road on the mill river in the town of Hatfield, in cooperation with the United States fisheries and wildlife service, to improve stream flow and promote the migration of anadromous fish”;

In item 2300-0101, by striking out the figures “304,395” and inserting in place thereof the figures “343,395”;

By striking out item 2320-0100 and inserting in place thereof the following item:

“2320-0100 For the administration of the public access board, including the maintenance, operation, and improvements of public access land and water areas as authorized by section 17A of chapter 21 of the General Laws; provided further, that \$350,000 shall be expended for the design, construction and repair of the Kernwood Marina parking lot, drainage system and boat ramp; provided further, that \$50,000 shall be expended for the repair of the state boat ramp on Apponagansett By in the town of Dartmouth; provided further, that \$75,000 shall be expended for a floating dock system at the Plymouth State Boat Ramp; provided further, that trash dumpsters shall be prohibited in all public landings situated in residential areas; provided further, that the division of fisheries and wildlife shall post signs in said areas prohibiting littering; provided further, that said signs shall require users of said public landings to carry off all personal belongings and trash; and provided further, that positions funded herein shall not be subject to the provisions of chapter 31 of the General Laws 870,092”;

Quorum,
yea and nay
No. 616.

Further
amendment
rejected,
yea and nay
No. 617.

In item 2330-0100, by adding at the end thereof the following: “; provided further, that \$90,000 shall be expended for the joint operation of a shellfish propagation program on Cape Cod between the division and Barnstable County Department of Health and the Environment; provided further, that \$45,000 shall be expended for shellfish propagation on the islands of Martha’s Vineyard and Nantucket; provided further, that funds shall be expended for the Center for Marine Science and Technology for research to minimize the economic impact of new fisheries management regulations shall not be reduced from fiscal year 2004 except in proportion to adjustments consistent with the department’s budget adjustment; provided further, that \$50,000 shall be expended for marine wildlife rehabilitation in the town of Bourne”;

In item 2511-0100, by striking out the figures “3,528,442” and inserting in place thereof the figures “3,548,442”;

In item 2511-0105, by adding at the end thereof the following: “; provided further, that the department is authorized to assess an administrative charge not to exceed two percent of the total appropriation herein”;

In item 2800-0100, by adding at the end thereof the following: “; provided further, that \$60,000 shall be expended for the Martha’s Vineyard Commission”;

In item 2800-0101, by adding at the end thereof the following: “; provided further, that \$48,000 shall be expended for the flood control activities undertaken by the Thames River Valley communities of Massachusetts in conjunction with the state of Connecticut; provided further, that \$80,000 shall be expended for a Buzzards Bay water quality restoration projects including, but not limited to engineering and permitting costs for restoration in Mattapoisett of the Eel Pond drainage culvert, storm separators in West Island and Little Bay in the Town of Fairhaven and similar water quality projects in Buzzards Bay; provided further, that \$100,000 shall be expended for Pine Tree Brook in the town of Milton to implement phase IV of a project for clearing and dredging; provided further, that \$25,000 shall be expended for aquatic weed control treatments in the Upper Mystic Lake; provided further, that \$8,000 shall be expended for the protection and rehabilitation of the Wachusett Reservoir Dam 5 area in the town of Clinton”;

In item 2800-0200, by adding at the end thereof the following: “; provided further, that \$50,000 shall be expended for the Buttonwood Park Zoological Society to establish educational programs, exhibits, and other enhancements”;

In item 2800-0200, by striking out the figures “1,000,000” and inserting in place thereof the figures “4,000,000”;

In item 2800-9004, by striking out the figures “219,750” and inserting in place thereof the figures “375,000”;

In item 2810-0100, by adding at the end thereof the following: “; provided further, that \$99,000 shall be expended for repairs to the portico at Pilgrim State Park ; provided further, that \$50,000 shall be expended for the improvement and reconstruction of the Daly Field located in the Allston-Brighton section of the City of Boston; provided further, that \$100,000 shall be expended for the Schooner

Ernestina Commission; provided further, that \$50,000 shall be expended for a public waterfront accessibility project on Plum Island in the City of Newburyport”;

In item 2810-0100, by striking out the figures “16,599,682” and inserting in place thereof the figures “16,949,682”;

In item 2810-2000, by striking out the figures “4,580,735” and inserting in place thereof the figures “4,880,735”;

By striking out item 2820-0100 and inserting in place thereof the following item:

“2820-0100 For the administration, operation and maintenance of the division of urban parks and recreation including, for the maintenance, operation and related costs of the parkways, boulevards, roadways, bridges and related appurtenances under the care, custody and control of the division, flood control activities of the division, purchase of all necessary supplies and related equipment, and the civilianization of crossing guards located at division intersections where state police previously performed such duties; provided, that said parkways, boulevards, roadways, bridges and related appurtenances under the care and custody of the metropolitan district commission in fiscal year 2003 shall remain solely under the jurisdiction, custody and care of the division of urban parks and recreation; and provided further, that no funds from this item shall be made available for payment to true seasonal employees; provided further, that \$150,000 shall be expended for Legion Park in the town of Weymouth; provided further, that \$250,000 shall be expended for a linked trail system for state and local parks along the Back River in the town of Weymouth; provided further, that \$30,000 shall be expended for child safety equipment in the town of Milford; provided further, that \$45,000 shall be expended on the maintenance of Red Rock Park on Lynn Shore Drive, in the city of Lynn; provided further, that said Division shall file a report with the house and senate committees on ways and means no later than October 1, 2004 on the reconstruction on the Vietnam Veterans Memorial Pool in Chelsea; provided further, that said report shall include, but not be limited to the following: (a) the current condition of the pool and all related structures, (b) a detailed list of all structural deficiencies, (c) a detailed cost estimate to repair said pool and structures, (d) an estimate of the time to complete said repairs, (e) and any other information that said division deems necessary for the completion of this report; provided further, that \$225,000 shall be expended for maintenance and infrastructure repair of the southwest corridor park; provided further, that \$50,000 shall be expended for the

removal of a pedestrian bridge at the end of Fairlawn Street in the City of Malden; provided further, that \$50,000 shall be expended for flood mitigation at Fellsmere Pond; provided further, that \$247,000 shall be expended for the James Michael Curley Recreation Center in Boston; provided further that \$85,000 shall be expended for the town of Boylston; and provided further that funds shall be expended for environmental preservation of the historic Park Avenue Fire Barn in Worcester 20,986,715”;

In item 2820-0200 by striking out the figures “2,841,820” and inserting in place thereof the figures “2,941,820”;

In section 86, in lines 5 to 8, inclusive, by striking out the following: “3 members shall be appointed by the senate president, including the senate chair of the joint committee on natural resources and agriculture, or a designee; and 3 members appointed by the speaker of the house of representatives, including the house chair of the joint committee on natural resources and agriculture” and inserting in place thereof the following: “2 members shall be appointed by the senate president, including the senate chair of the joint committee on natural resources and agriculture; 1 member shall be appointed by the senate minority leader; 2 members shall be appointed by the speaker of the house, including the house chair of the joint committee on natural resources and agriculture; and 1 member shall be appointed by the house minority leader”;

By adding at the end thereof the following fourteen sections:

“SECTION 273. Notwithstanding any General Law to the contrary, Chapter 236 of the Acts of 2002 is hereby amended in line item 2200-2013 by inserting after the words ‘expended for such personnel,’ the following ‘and/or contractors’. Chapter 236 of the Acts of 2002 is hereby amended in line item 2200-2015 by inserting after the words ‘shall not exceed the level expended for such personnel’ the words:- ‘and/or contractors.’

SECTION 274. Item 2840-2016 of section 2 of chapter 236 of the acts of 2002 is hereby amended by inserting at the end thereof the following:- and provided further, that not less than \$5,000,000 shall be expended for the repair, renovation and reconstruction of Vietnam Veterans Memorial Pool in the city of Chelsea.

SECTION 275. The Division of Fisheries and Wildlife shall study the public safety and public health impact of the proliferation of beaver dams and resulting unattended pools of water in the counties of Berkshire, Franklin, Hampden, and Hampshire. Said department shall report their recommendations to the Joint Committee on Natural Resources by January 3, 2005.

SECTION 276. Notwithstanding any general or special law to the contrary, the Department of Conservation and Recreation shall expend necessary funds to repair and replace the failed, failing and/or damaged culverts in the Sales Creek drainage channel of the cities of Revere and Boston, which are owned by said department and which pose potential public health emergencies by preventing adequate drainage of a major watershed, and to repair and restore the damaged surfaces in the area surrounding the collapsed and/or

undermined culverts that pose potential public safety emergencies due to unstable ground and surface areas under Tomasello Road and other areas, roadways and drives.

SECTION 277. Section 13 of Chapter 58 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended in lines 14 and 15 by striking out ‘environmental management’ and inserting in place thereof the following:— conservation and recreation.

SECTION 278. Notwithstanding the provisions of chapter 7 of the General Laws or any other general or special law or regulation to the contrary, the division of capital asset management is hereby authorized on behalf of the department of environmental protection to renegotiate said department’s facilities leases at One Winter Street, Boston and 627 Main Street, Worcester to obtain a reduced lease rate for those facilities for the remaining period of the existing leases.

SECTION 279. Item 2840-2016 of section 2 of chapter 236 of the acts of 2002 is hereby amended by striking the words ‘; provided further, that \$200,000 shall be expended for renovation of the Connors pool in the city of Waltham’ and inserting in place thereof the following:- provided further, that \$1,200,000 shall be expended for renovation of the Connors pool in the city of Waltham.

SECTION 280. Chapter 21A of the General Laws is hereby amended by adding the following section:- Section 21. The department of environmental protection [B] may [later corrected to “shall” by unanimous consent of the House] ensure that all dental clinics install, use and maintain advanced filtration technology, ISO 11143 certified amalgam separators at each dental office in Massachusetts that places, replaces or removes amalgam fillings.

SECTION 281. Section 1 of chapter 294 of the acts of 1916, as most recently amended by chapter 66 of the acts of 1990, is hereby further amended by striking out the first 3 sentences and inserting in place thereof the following sentences:-There shall be an unpaid commission, to be known as the Lake Quinsigamond Commission consisting of the Chief of Police of the City of Worcester, ex officio, one member of the Worcester Conservation Commission to be appointed by the City Manager thereof, one member of the Shrewsbury Conservation Commission, to be appointed by the Moderator of said town, the Chief of Police of the Town of Shrewsbury, ex officio, and one member of the Grafton Conservation Commission to be appointed by the Moderator of said town; and 4 members who shall be either residential landowning abutters on Lake Quinsigamond or reside within the area of Lake Quinsigamond, and who have demonstrated an interest regarding water quality, fishing, boating and other recreational activities and environmental, wildlife and habitat matters on said lake, who may represent the city of Worcester and the towns of Grafton and Shrewsbury; one of whom shall be appointed by the Town Manager of Grafton, one of whom shall be appointed by the Town Manager of Shrewsbury, one of whom shall be appointed by the City Manager of Worcester and one of whom shall be appointed by majority vote of the preceding 3 members.

SECTION 282. Item 2000-2013 of section 2 of Chapter 236 of the acts of 2002 is hereby amended by inserting after the words 'in the city of Woburn' the following words:— ; provided further, that, notwithstanding any rules or regulations of the department, not less than \$1,750,000 shall be expended for the acquisition of the Dunn property, so-called, in the town of West Newbury, however, in the event that the town expends its own funding for acquisition of said property, it will be reimbursed; and by striking out the figure '\$21,250,000' and inserting in place thereof the following figure: - \$23,000,000.

SECTION 283. Item 2100- 2011 of said section 2 of said chapter 236 is hereby amended by striking out the words ' ; provided further, that \$1,750,000 shall be expended for the acquisition of the Dunn property, so-called, in the town of West Newbury ; - and by striking out the figure '\$46,425,000' and inserting thereof the following figure: - \$44,675,000

SECTION 284. Section 1 of chapter 21 of the General Laws, as amended by section 63 of chapter 26 of the acts of 2003, is hereby amended by striking the second sentence and inserting in place thereof the following sentence:- Each division shall be under the administrative supervision of a director, provided, that no funds shall be expended for deputy commissioner positions

SECTION 285. There is hereby established an agricultural biotechnology task force for the purpose of studying the following: a) the definition and categorization of food biotechnology and agro-pharmaceutical biotechnology production processes, b) potential impacts to the Commonwealth's human health, agriculture, economy and environment accruing from food and agro-pharmaceutical biotechnology, including but not limited to the potential contamination of the food supply with genetically modified agro-pharmaceutical crops not approved for human consumption, the contamination of conventional and organic crops from pollen drift, the development of insect and weed resistance to pesticides; injury or death of non-target species; and allergenicity, toxicity or decreased nutritional value of genetically modified crops, c) scientific literature on the subject and characterization of food and agro-pharmaceutical biotechnology information resources readily available to consumers d) existing federal and state evaluation and oversight procedures related to food and pharmaceutical biotechnology. For the purposes of this section Agro-Pharmaceutical Crops shall mean genetically modified crop designed to produce biological or drug products including intermediates, protein drugs, medical devices, new animal drugs and veterinary biologics as regulated by the Food and Drug Administration or the United States Department of Agriculture.

The task force shall be comprised of the following: four members appointed by the Speaker of the House, one of whom shall be from the minority party, four members appointed by the president of the senate, one of whom shall be from the minority party, the commissioner of the Department of Agricultural Resources or his designee, the Director of the University of Massachusetts Field Extension Service; one person representing the public at large; and a representative from each of the following groups or associations jointly

appointed by the Department of Agriculture and the University of Massachusetts; organic farmers, non-organic farmers, environmental organizations, public health officials, consumer protection organizations, the biotechnology food industry, the biotechnology pharmaceutical industry, the retail food industry and the retail organic food industry, and any other persons as jointly appointed by the Department of Agricultural Resources and the University of Massachusetts. The task force shall convene a minimum of two public hearings for the purpose of providing an opportunity for public testimony and comments. These hearings shall be held in easily accessible locations in eastern and western Massachusetts. The task force shall notify the public of these hearings in compliance with M.G.L. chapter 30A. The task force shall report its studies, findings, and recommendations, including any need for further investigation or regulation of agricultural biotechnology, to the governor and the clerks of the House and Senate no later than December 31, 2005.

SECTION 286. The Department of Environmental Protection, Solid Waste Management Section shall study the closure of the BFI landfill located in the city of Fall River at the completion of Phase II, Cell D. Said study shall include, but not be limited to the following; (1) the possibility of no longer accept any waste matter, ash, or any other material with the completion of Phase II, Cell D, (2) using only materials to complete the closing will be accepted at the facility, (3) the prohibition of any expansion into any other portion of the landfill site, including Phase III. (4) the direction and flow of the subsurface groundwater surrounding the Browning Ferris Landfill in Fall River, (5) the testing of the groundwater contaminants leaching from the landfill and mapping of the travel direction and distances traveled by the contaminated groundwater; (6) and any other matters involving the closure of said landfill and the possible contamination of groundwater in areas around said landfill. The department shall report its findings together with any recommended response actions by the commonwealth to the Joint Committee on Natural Resources and Agriculture and House and Senate Committees on Ways and Means not later than May 1, 2005."

Mr. Rogers then moved that the amendments offered by him be amended by adding at the end thereof the following two sections:

"SECTION 287. The Department of Conservation and Recreation shall expend all funds necessary up to \$10,000 for the repair, refurbish or the replacement of the William Reinstein Memorial Plaque on the Revere Beach Bandstand.

SECTION 288. The Department of Conservation and Recreation shall ensure that all pools and parks shall remain open for the full summer season and that the beaches have their full amount of required maintenance and upkeep."

The further amendment was adopted.

After remarks on the question on adoption of the amendments, as amended, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 132 members voted in the affirmative and 24 in the negative.

[See Yeas and Nays No. 618 in Supplement.]

Amendments
adopted,
yea and nay
No. 618.

Therefore the amendments, as amended, were adopted [Subsequently, by unanimous consent of the House, item 2300-0101 [at "A"] was corrected to item 2310-0200; and in section 280 [at "B"] the word "may" was corrected to "shall"].

Recesses .

At ten minutes before five o'clock P.M. (Thursday, April 29), on motion of Mr. Petrolati of Ludlow (Mr. DiMasi of Boston being in the Chair), the House recessed until seven o'clock; and at that time the House was called to order with the Speaker in the Chair.

The Speaker thereupon declared a further recess subject to the call of the Chair; and at twenty minutes after seven o'clock the House was called to order with the Speaker in the Chair.

Mr. Rogers of Norwood and other members of the House then moved that the bill be amended by striking out item 7003-0702 and inserting in place thereof the following item:

"7003-0702 For grants to be administered by the department of workforce development; provided that not less than \$900,000 shall be expended for the Massachusetts Service Alliance; provided further, that not less than \$400,000 shall be expended for the Commonwealth Corporation; provided further, that not less than \$50,000 be expended for Our House Family Learning and Workforce Development Center; provided further, that not less than \$300,000 shall be expended for the Jewish Memorial Hospital for the purposes of developing and implementing an information technology skill upgrading program for its employees; provided further, that not less than \$300,000 shall be expended for a hospital skills training program operated by the Commonwealth Corporation; provided further, that not less than \$250,000 shall be expended for the Acre Urban Revitalization project in the city of Lowell; provided further, that not less than \$250,000 shall be expended for the Jackson-Appleton-Middlesex plan, so-called, in the city of Lowell; provided further, that not less than \$250,000 shall be expended for the center for women and enterprise; provided further, that not less than \$200,000 shall be expended for the Western Massachusetts Enterprise Fund; provided further, that not less than \$195,000 shall be expended for 3 full time equivalent rapid response labor specialists at the Massachusetts AFL-CIO; provided further, that not less than \$139,500 shall be expended for the Just-A-Start Corporation to provide training for entry level employment in the biotech and medical fields for 30 unemployed or displaced workers, or persons receiving benefits from the transitional aid to families with dependent children program; provided further, that not less than \$135,000 shall be expended for incumbent worker coordinators at the Massachusetts AFL-CIO; provided further, that not less than \$127,000 shall be expended for the employee

involvement and ownership program; provided further, that not less than \$125,000 shall be expended for minority training in Hampden county; provided further, that not less than \$100,000 shall be expended for the Massachusetts Career Development Institute; provided further, that not less than \$75,000 shall be expended for the Workforce Investment Association of MA, Inc. for the purpose of assisting administrators, career center directors, and fiscal agents; provided further, that not less than \$75,000 shall be expended for the Technology Initiative operated by the Metro South/West Regional Employment Board for the development of Technology Centers of Excellence serving the region's youth and businesses, and said grant shall require a 200 percent match from the private sector; provided further, that not less than \$50,000 shall be expended for the Allston-Brighton Vocational Adjustment Center for the continued operation of a job training and placement center; provided further, that not less than \$40,000 shall be expended for community training in the city of Winthrop; provided further, that not less than \$30,000 shall be expended for the Centro Latino de Chelsea to provide workforce training, educational services and other transitional services in the city of Chelsea; and provided further, that not less than \$8,000 shall be expended for the Bonnie Brae Camp in the city of Gardner 3,999,500
Workforce Training Fund100.00%";

In item 7007-0900, in line 5, by inserting after the word "administration" the following: " ; provided further, that not less than \$250,000 shall be granted to the Southcoast Development Partnership for the purposes of regional tourism and economic development in Southeastern Massachusetts; provided further, that not less than \$200,000 shall be expended for the Memorial Auditorium in the city of Lynn; provided further, that not less than \$165,000 shall be expended for the International Trade Assistance Center in Fall River; provided further, that not less than \$125,000 shall be expended for a historic development project at the Worcester Center for the Performing Arts; provided further, that not less than \$100,000 shall be expended for an economic development project on Buzzards Bay Main Street; provided further, that not less than \$100,000 shall be expended for a matching grant to the proposed Cape Cod Maritime Museum in Hyannis; provided further, that not less than \$100,000 shall be expended for the U.S. Women's Open; provided further, that not less than \$75,000 shall be expended for the Cultural Center of Cape Cod; provided further, that not less than \$60,000 shall be expended for an economic development project operated by the Arlington Neighborhood Association in the city of Lawrence; provided further, that not less than \$50,000 shall be expended for the tourism promotion program at Riverside Theater

Works in Hyde Park in the City of Boston; provided further, that not less than \$50,000 shall be expended for the Johnny Appleseed Visitor's Center; provided further, that funds shall be expended for an economic development project on Rt. 110 in Amesbury";

By striking out item 7007-0950 and inserting in place thereof the following item:

"7007-0950 For grants to public and private nonprofit local and regional organizations to be awarded by the Massachusetts office of travel and tourism for tourism promotion; provided, that the organizations shall be required, as a condition of receiving a grant, to submit a total operating budget which identify each source and use of operating and capital funds; provided further, that the grant shall not replace or supplant funding otherwise available to said centers from local chambers of commerce, regional tourist councils, and other public or private funding sources; provided further, that not less than \$500,000 shall be made available through a grant application process established by the office of travel and tourism to offset deficits that may occur during fiscal year 2005 for the highway information centers operating year-round on state highways and federally-assisted highways, and the visitor information centers on Boston Common and the Prudential Center, both in the city of Boston; provided further, that not less than \$300,000 shall be expended for a grant for the From the Top Inc.; provided further, that \$250,000 shall be expended for a grant to the Massachusetts Sports and Entertainment Partnership; provided further, that notwithstanding any general or special law to the contrary, a grant of not less than \$250,000 shall be transferred from this item to the Massachusetts office of business development for regional tourism and economic development in Southeastern Massachusetts including the Southcoast Development Project; provided further, that not less than \$250,000 shall be expended for the Merrimack Valley Economic Development Council; provided further, that not less than \$200,000 shall be provided for an economic development project at the Elco Dress Factory in New Bedford; provided further, that not less than \$200,000 shall be expended for the Bay State Games; provided further, that not less than \$185,000 shall be expended for the Belchertown Economic Development Corporation; provided further, that not less than \$103,000 shall be expended for an historic redevelopment project at the West School in the Town of Wilmington; provided further, that not less than \$100,000 shall be expended for the Cape Cod Economic Development Council; provided further, that not less than

\$100,000 shall be expended for a September 11th memorial at Battleship Cove in Fall River; provided further, that not less than \$100,000 shall be expended for the I-495 Technology Corridor Initiative; provided further, that not less than \$100,000 shall be expended for a Business Location Information Project operated by the Greater Haverhill Chamber of Commerce; provided further, that not less than \$100,000 shall be expended for a tourism promotion project at the Grandview Farm in Burlington; provided further, that not less than \$100,000 shall be expended for an economic development project at the historic Corkin building in the town of Randolph; provided further, that not less than \$100,000 shall be expended for an economic development project in the town of Braintree; provided further, that not less than \$100,000 shall be expended for the Western Massachusetts Economic Development Council; provided further, that not less than \$100,000 shall be expended for a grant to the Russian Community Association; provided further, that not less than \$75,000 shall be expended for an economic development project in North Attleboro; provided further, that not less than \$75,000 shall be expended for a Shrewsbury Business District economic development project; provided further, that not less than \$75,000 shall be expended for a technology training program operated by the Cape Cod Technology Council; provided further, that not less than \$75,000 shall be expended for the Golden Triangle Business District improvement project in the city of Amesbury; provided further, that not less than \$60,000 shall be expended for the New England Puerto Rican association; provided further, that not less than \$50,000 shall be expended for a tourism promotion project in Westborough provided further, that not less than \$50,000 shall be expended for a the Central Quabbin Tourism Association; provided further, that not less than \$40,000 shall be expended as a grant for the Pioneer Valley Planning Commission for the purposes of a study of tourism promotion within Southampton and Montgomery; provided further, that not less than \$38,000 shall be expended for the New Bedford Art Museum; provided further, that not less than \$35,000 shall be expended for the Pittsfield Office of Cultural Development; provided further, that not less than \$30,000 shall be expended for the Blackstone Valley Chamber of Commerce; provided further, that not less than \$30,000 shall be expended for the Water Farms Preservation, Inc. provided further, that not less than \$30,000 shall be expended for an economic development

project at Chestnut Hill Reservoir in the city of Boston; provided further, that not less than \$25,000 shall be expended for the Salisbury Chamber of Commerce; and provided further, that not less than \$15,000 shall be expended for an education and science grant for the city of Worcester; 3,841,000
 Tourism Fund100.00%”;

By inserting after 7027-0016 (inserted by amendment) the following item:

“7027-0019 For school-to-career connecting activities; provided, that notwithstanding any general or special law to the contrary, the board of education, in cooperation with the department of labor and workforce development and the state workforce investment board, may establish and support a public-private partnership to link high school students with economic and learning opportunities on the job as part of the school-to-work transition program; provided further, that such program may include the award of matching grants to workforce investment boards or other local public-private partnerships involving local community job commitments and work site learning opportunities for students; provided further, that the grants shall require at least a 200 per cent match in wages for the students from private sector participants; provided further, that the program shall include, but not be limited to, a provision that business leaders commit resources to pay salaries, to provide mentoring and instruction on the job and to work closely with teachers; and provided further, that public funds shall assume the costs of connecting schools and businesses to ensure that students serve productively on the job..... 4,129,687”;

By striking out item 7007-1200 and inserting in place thereof the following item:

“7007-1200 For a program to create and maintain a more favorable and responsive environment for the attraction and retention of technology-intensive clusters for the commonwealth; provided, that such clusters may be characterized by technological or market focus, geographic proximity or other shared interests; provided further, that cluster activities shall be deemed to be the exercise of an essential governmental function intended to: (1) foster increased collaboration among cluster organizations; (2) facilitate improved communications between the commonwealth and cluster organizations; (3) identify and respond to challenges and opportunities related to cluster organizations; (4) enhance the competitive position of cluster firms; (5) reduce

the costs of doing business in the commonwealth through 1 or more purchasing cooperatives; and (6) generally improve the perception of the value and benefits of doing business in the commonwealth; provided further, that not less than \$1,750,000 shall be expended on one-time grants-in-aid and related activities in support of the creation, operation, and evaluation of a pilot wireless learning initiative; provided further, that said grants shall be matched by contributions from private entities equal to one and one-half the expenditures on said pilot from this line item; provided further, said grants shall fulfill the commonwealth’s entire obligation to said initiative; provided further, that amounts appropriated in this item shall be expended to the Massachusetts Technology Park Corporation to be held, applied and administered through its Massachusetts Technology Collaborative; provided further, that said corporation shall establish an independent advisory panel to advise said corporation relative to the most effective application of funds appropriated in this item; and provided further, that the executive director shall file a report with the house and senate committees on science and technology and the house and senate committees on ways and means detailing the activities undertaken with the funds appropriated herein by January 15, 2005..... 2,250,000”;

By adding at the end thereof the following section:

“SECTION 289. Section 63 of chapter 141 of the acts of 2003 is hereby amended by striking out the date ‘September 1, 2004’ and inserting in place thereof the following date: -November 15, 2004”;

In item 7002-0500, by striking out the figures “18,764,222” and inserting in place thereof the figures “19,335,439”;

In section 83, in line 1, by striking out the figures “616” and inserting in place thereof the figures “615”;

By inserting after item 7007-1200 (inserted by amendment) the following item:

“7007-1300 That not less than \$500,000 shall be expended for the Massachusetts International Trade Council for the purposes of international trade promotion and the attraction of foreign direct investment to the Commonwealth”;

By adding at the end thereof the following section:

“SECTION 290. Section 17 of chapter 23D of the general laws, as appearing in the 2000 official edition, is hereby amended by striking the first sentence and inserting in place thereof the following: -There is hereby established a program of employee involvement and ownership to be administered by the smaller business association of new england.”;

In item 7007-1500, by striking out the figures “500,000” and inserting in place thereof the figures “550,000”

By inserting after item 7006-0090 the following two items:

"7006-1000	For the operation of the division of energy resources.....	400,000
7006-1001	For the residential conservation service program pursuant to chapter 465 of the acts of 1980, and the commercial and apartment conservation service program pursuant to section 11A of chapter 25A of the General Laws.....	197,715"; and

By adding at the end thereof the following section:

"SECTION 291. Notwithstanding the provisions of any general or special law, regulations, or rule to the contrary, during fiscal year 2005, the division of unemployment assistance shall maintain an office in the City of Taunton within a one-half mile radius of the Bristol Superior Court building for the purposes of holding hearings."

Quorum.

Pending on the question on adoption of the amendments, Mr. Goguen of Fitchburg asked for a count of the House to ascertain if a quorum was present. The Speaker, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,
yea and nay
No. 619.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 156 members were recorded as being in attendance.

[See Yea and Nay No. 619 in Supplement.]

Therefore a quorum was present.

Amendments
adopted,
yea and nay
No. 620.

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Ms. Callahan of Sutton; and on the roll call 154 members voted in the affirmative and 3 in the negative.

[See Yea and Nay No. 620 in Supplement.]

Therefore the amendments were adopted.

Mr. Kujawski of Webster then moved that the vote be reconsidered by which the House, on Tuesday last, adopted an amendment (offered by him), as amended, inserting after section 45 the following section:

"SECTION 45A. Massachusetts General Law Chapter 129 section 39A is hereby amended by striking the word 'selling' in the second paragraph and adding the following paragraphs at the end:

Any breeder or breeder's organization who breeds more than [A] three litters per year of any breed of dog or cat and places any of those animals for sale, must register with the department of agriculture resources and report the sale of any such animals to the department. Included in this reporting shall be the name and address of the party or parties to whom such sale was made and the date of such sale.

Failure to register and report in compliance with this section and any promulgated regulations shall subject the offending party to a fine of five hundred (\$500.00) dollars for each failure to report a birth of an animal and five hundred (\$500.00) dollars for each sale of an animal."

The motion to reconsider prevailed.

Pending the recurring question on adoption of the amendment, Representatives Walrath of Stow and Kujawski of Webster moved that it be amended by striking out [at "A"] the word "three" and inserting in place thereof the word "five".

The further amendment was adopted; and the amendment, as amended, then also was adopted.

The Speaker then interrupted the pending business and placed before the House the question on suspension of Rule 1A in order that the House might continue to meet beyond the hour of nine o'clock P.M.

Suspension of
Rule 1A.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provision of said rule; and on the roll call 123 members voted in the affirmative and 33 in the negative.

Rule 1A
suspended,
yea and nay
No. 621.

[See Yea and Nay No. 621 in Supplement.]

Therefore Rule 1A was suspended.

Messrs. John of North Reading and Walsh of Boston then moved that the vote be reconsidered by which the House, on Monday last, rejected an amendment (offered by Mr. Petrucci of Boston, et als) striking out section 85; and the motion to reconsider prevailed.

On the recurring question, the amendment was adopted.

At sixteen minutes after nine o'clock P.M. (Thursday, April 29), the Speaker declared a recess subject to the call of the Chair; and at one minute before eleven o'clock the House was called to order with the Speaker in the Chair.

Ms. Blumer of Framingham and other members of the House then moved that the bill be amended in section 72, in line 11, by striking out the word "hospital"; and in said section, in line 16, by striking out the date "September 30, 2005" and inserting in place thereof the date "June 30, 2005".

After remarks the amendments were rejected.

Messrs. Cabral of New Bedford and Rushing of Boston then moved that the bill be amended in section 72 by adding at the end thereof the following paragraph:

"Notwithstanding subsection (3) of section 16D of chapter 118E or any other general or special law to the contrary, a person who is not a citizen of the United States but who is either a qualified alien within the meaning of section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 or is otherwise permanently residing in the United States under color of law shall be eligible to receive benefits at least equivalent to those under the MassHealth Essential program, so-called, if such individual meets the financial eligibility requirements pursuant to this section, and provided said non-citizens are age 65 or older or age 19 to 64 and disabled and provided that enrollment of said non-citizens may be limited by the agency so as not to exceed the amount made available for expenditures under this section." After debate the amendment was rejected.

Mr. Rogers of Norwood and other members of the House then moved that the bill be amended in section 2, by striking out item 4000-0115 and inserting in place thereof the following item:

“4000-0115 For matching grants to the Massachusetts Technology Collaborative to implement inpatient hospital-based computerized physician order entry systems in eligible hospitals in Massachusetts for the purposes of improving patient safety and hospital efficiency; provided, that said secretary shall submit a report not later than October 30, 2004 to the house and senate committees on ways and means on the disbursement and uses of said grants; provided further, that no funds appropriated herein shall be granted unless the amount of said grant is matched dollar for dollar by the recipient; provided further, that not less than \$500,000, of which a minimum of 75% must be eligible for federal financial participation, shall be available for said office to acquire through procurement professional and consulting services to enhance the fraud and abuse detection, program management, budgeting, and performance measurement capabilities of said executive office’s existing or planned data warehouse to achieve cost-savings in the Medicaid program and identify program and policy efficiencies across all human service programs; provided further that such procurement must be completed no later than January 1, 2005; provided further that any vendor or vendors engaged contractually by said executive office must have prior Medicaid data warehouse experience in states whose Medicaid budgets are equal to or greater than Massachusetts to ensure a greater likelihood of success..... 1,000,000”;

In item 4000-0600, by adding at the end thereof the following: “; provided further, that notwithstanding any general or special law to the contrary, for any nursing home that provides kosher food to its residents, the division of medical assistance, in consultation with the division of health care finance and policy, is directed to approve a special innovative program, and the division of health care finance and policy, in recognition of the unique special innovative program status granted by the division of medical assistance, shall for any nursing home that provides kosher food to its residents, establish up to a \$5 per day increase to the standard payment rates to reflect the high dietary costs incurred in providing kosher food; provided further, that effective July 1, 2004 through June 30, 2005, Medicaid shall establish nursing facility payment rates and fully fund allowable costs using calendar year 2002 base year costs; provided further, that notwithstanding any general or special law to the contrary, all licensed chronic care hospitals located in Hampden county shall be paid under the same Medicaid reimbursement methodology as applied to all other similarly situated chronic care hospitals; and provided further, that in calculating the Medicaid reimbursement, such reimbursement shall exclude any costs associated with any beds licensed by the department of mental health”; and in said item, by striking out the figures “1,768,393,000” and inserting in place thereof the figures “1,673,893,000”;

In item 4000-0895, by striking out the figures “8,610,447” and inserting in place thereof the figures “10,610,447”;

By striking out item 4110-0003;

By adding at the end thereof the following ten sections:

“SECTION 292. Chapter 6A of the General Laws is hereby amended by inserting after Section 16B the following section:—

Section 16B 1/2. (a) Notwithstanding any general or special law to the contrary, the Secretary of the Executive Office of Health and Human Services, in consultation with the Secretary of Administration and Finance and the Secretary of Public Safety shall develop a coordinated, aggregate prescription drug procurement plan to manage and administer the disbursement, payment and reimbursement of prescription drugs, including claims processing, adjudication and client services for all pharmacy benefit plans funded or subsidized, in whole or in part by the Commonwealth. Said aggregate procurement plan shall separately manage any and all benefits, rules and functions regarding drug utilization and cost for programs subject to Section 1927(a)(1)(C) of the Social Security Act, Title XIX. The plan shall maximize cost savings, efficiencies, enhance affordable access to prescriptions and be designed to improve health outcomes, benefits and coverage in said pharmacy benefit plans.

(b) Notwithstanding the provisions of any general or special law, as part of said aggregate procurement plan, the Secretary shall seek competitive bids from third party pharmacy benefits managers who are interested in providing such procurement services to the Commonwealth. The Secretary shall consider those pharmacy benefits managers with experience in the administration of publicly-funded health benefit plans and who are qualified to assess and manage the clinical efficacy and cost effectiveness of said pharmacy benefit plans on behalf of the Commonwealth. Nothing in this section shall preclude a not-for-profit entity from participating in such competitive bid process; provided, that during such competitive bid process, a not-for-profit pharmacy benefit manager shall demonstrate the capacity to provide the same level of service quality, assessment and ability to manage the clinical efficacy and cost effectiveness of the administration of such aggregate procurement plan as that of a for-profit pharmacy benefit manager, provided further, that the Secretary may establish an inter-governmental service agreement between or among agencies of the Commonwealth for the provision of pharmacy benefit management services if said not-for-profit pharmacy benefit manager is selected for the provision of such services, and provided further, that the Secretary may request such aggregate pharmacy benefit manager plan to disclose information regarding its marketing practices.

(c) A contract currently in existence with any agency or pharmacy benefits management company shall not be renewed or extended in a manner inconsistent with the provisions of this section, provided, that a contract in existence with any agency or pharmacy benefits management company shall not be terminated before its expiration date if such termination would cause substantial financial cost or service interruption to the commonwealth.

(d) The Secretary shall ensure that said aggregate procurement plan employs clinically-based tools to maximize cost savings, efficiencies, affordability, and to improve health outcomes and access to pharmacy benefits and coverage and effectively manage the pharmacy plans of the commonwealth.

(e) The Secretary shall implement said aggregate procurement plan not later than November 5, 2004 and shall submit, on April 15 of each year, a report detailing the coordinated aggregate or bulk purchasing arrangement results for the previous year to the House and Senate Clerks, the Chairs of the House and Senate Committees on Ways and Means and the House and Senate Chairs of the Joint Committee on Healthcare. The report shall include, but not be limited to, a review of said aggregate procurement plan's achievement relative to: (1) cost savings achieved during the previous fiscal year; (2) administrative costs relating to the management of the program for the previous fiscal year; (3) any recommendations for enhancing the benefits provided by each plan, savings costs, reducing inefficiencies and improving access and quality and, (4) a cost-benefit analysis of the inclusion of other governmental entities, including but not limited to county, municipal and quasi-governmental entities within the aggregate pharmaceutical procurement plan.

SECTION 293. Section 31 of Chapter 118E of the General Laws, as amended by chapter 26 of the acts of 2003, is hereby amended by striking subsections (c) and (c 1/2) and inserting in place thereof the following:—

(c) For purposes of this section, 'estate' shall mean all real and personal property and other assets includable in the decedent's probate estate under the General Laws.

SECTION 294. Section 32 of Chapter 118E of the General Laws, as amended by chapter 26 of the acts of 2003, is hereby amended by striking it in its entirety and inserting in place thereof the following:—

Section 32. (a) Notwithstanding any provision of law to the contrary, a petition for admission to probate of a decedent's will or for administration of a decedent's estate shall include a sworn statement that copies of said petition and death certificate have been sent to the division by certified mail. Within thirty days of a request by the division, an executor or administrator shall complete and send to the division by certified mail a form prescribed by the division and provide such further information as the division may require.

In the event a petitioner fails to send copies of the petition and death certificate to the division and the decedent received medical assistance for which the division is authorized to recover under section thirty-one, any person receiving a distribution of assets from the decedent's estate shall be liable to the division to the extent of such distribution.

(b) The division may present claims against a decedent's estate as follows: (1) within four months after approval of the official bond of the executor or administrator, file a written statement of the amount claimed with the registry of probate where the petition was filed and deliver or mail a copy thereof to the executor or administrator. The claim shall be deemed presented upon the filing of the claim in the

registry of probate; or (2) within one year after date of death of the decedent, commence an action under the provisions of section 9 of chapter 197.

(c) When presenting its claim by written statement under subsection (b), the division shall also notify the executor or administrator of (1) the circumstances and conditions which must exist for the division to be required to defer recovery under section 31 and (2) the circumstances and conditions which must exist for the division to waive recovery under its regulations for undue hardship.

(d) The executor or administrator shall have 60 days from the date of presentment to mail notice to the division by certified mail of one or more of the following findings: (1) the claim is disallowed in whole or in part, or (2) circumstances and conditions where the division is required to defer recovery under section 31 exist, or (3) circumstances and conditions where the division will waive recovery for undue hardship under its regulations exist. A notice under clause (2) or (3) shall state the specific circumstances and conditions which exist and provide supporting documentation satisfactory to the division. Failure to mail notice under clause (1) shall be deemed an allowance of the claim. Failure to mail notice under clause (2) shall be deemed an admission that the circumstances or conditions where the division is required to defer recovery under section 31 do not exist. Failure to mail notice under clause (3) shall be deemed an admission that the circumstances and conditions for the division to waive recovery for undue hardship under its regulations do not exist.

(e) If the division at any time within the period for presenting claims under subsection (b) amends the amount due, the executor or administrator shall have an additional 60 days to mail notice to the division under subsection (d)(1).

(f) If the division receives a disallowance under clause (1) of subsection (d), the division may commence an action to enforce its claim in a court of competent jurisdiction within 60 days after receipt of said notice of disallowance. If the division receives a notice under clause (2) or (3) of said subsection (d), with which it disagrees, the division may commence an action in a court of competent jurisdiction within 60 days after receipt of said notice. If the division fails to commence an action after receiving a notice under clause (2) of said subsection (d), the division shall defer recovery while the circumstances or conditions specified in said notice continue to exist. If the division fails to commence an action after receiving a notice under clause (3) of said subsection (d), the division shall waive recovery for undue hardship.

(g) Unless otherwise provided in any judgment entered, claims allowed pursuant to this section shall bear interest at the rate provided under section 6B of chapter 231 commencing four months plus 60 days after approval of the official bond of the executor or administrator.

Notwithstanding the foregoing, if the division fails to commence an action after receipt of a notice under clause (2) of subsection (d), interest at the rate provided under section 6B of chapter 231 shall not commence until the circumstances or conditions specified in the notice received by the division under said clause (2) cease to exist.

The executor or administrator shall notify the division within 30 calendar days of any change in the circumstances or conditions asserted in said clause (2) notice, and upon request by the division, shall provide updated documentation verifying that the circumstances or conditions continue to exist.

If the division's claim has been allowed as provided herein and no circumstances and conditions requiring that the division defer recovery under section 31 exist, it may petition the probate court for an order directing the executor or administrator to pay the claim to the extent that funds are available or for such further relief as may be required.

(h) Notice of a petition by an executor or administrator for a license to sell real estate shall be given to the division in any estate where:

(1) the division has filed a written statement of claim with the registry of probate as provided in subsection (b); or

(2) the division has filed with the registry of probate a notice, as prescribed under subsection (a) of section 9 of chapter 197, that an action has been commenced.

(i) In all cases where:

(1) the division determines it may have a claim against a decedent's estate;

(2) a petition for administration of the decedent's estate or for admission to probate of the decedent's will has not been filed; and

(3) more than one year has passed from the decedent's date of death, the division is hereby authorized to designate a public administrator to be appointed and to serve pursuant to chapter 194. Said designation by the division shall include a statement of the amount claimed. This provision shall apply to all estates in which no petition for administration of the decedent's estate or for admission to probate of the decedent's will has been filed as of the effective date of this section, regardless of the decedent's date of death.

(j) If the executor or administrator wishes to sell or transfer any real property against which the division has filed a lien or claim not yet enforceable because circumstances or conditions specified in section 31 continue to exist, the division shall release the lien or claim if the executor or administrator agrees to (1) either set aside sufficient assets to satisfy the lien or claim, or to give bond to the division with sufficient surety or sureties and (2) repay the division as soon as the circumstances or conditions which resulted in the lien or claim not yet being enforceable no longer exist. Notwithstanding the foregoing provision or any general or special law to the contrary, the division and the parties to the sale may by agreement enter into an alternative resolution of the division's lien or claim.

SECTION 295. Chapter 26 of the Acts of 2003 is hereby amended by striking section 703, as amended by Chapter 140 of the Acts of 2003, in its entirety.

SECTION 296. Chapter 118G of the General Laws is hereby amended by adding the following section:—

Section 27. (a) For the purposes of this section, the following terms shall have the following meanings:

'Assessment,' the user fee imposed pursuant to this section.

"Intermediate care facility for the mentally retarded or ICF/MR," a privately or publicly operated intermediate care facility for the mentally retarded.

'Community based residence,' a privately or publicly operated community based residence serving individuals with mental retardation licensed or certified in accordance with G.L. c. 19B, § 15.

'Bed day,' a day of services provided to an individual living in an intermediate care facility for the mentally retarded or a community based residence serving individuals with mental retardation.

(b) Each intermediate care facility for the mentally retarded and each community-based residence serving individuals with mental retardation shall pay an assessment per bed day. The assessment shall be implemented as a broad-based health care related fee as defined in 42 U.S.C. Sec. 1396b(w)(3)(B). The assessment shall be imposed at a uniform rate and shall be sufficient in the aggregate to generate an amount equal to six per cent of the total gross revenues generated by all such facilities in each fiscal year. The assessment shall be paid to the division at least quarterly. The division may promulgate regulations that authorize the assessment of interest on any unpaid liability at a rate not to exceed an annual rate of 18% and late fees at a rate not to exceed 5 percent per month. The receipts from the assessment, any federal financial participation received by the commonwealth as a result of expenditures funded by these assessments and interest thereon shall be credited to an account established within the Uncompensated Care Trust Fund.

(c) The commissioner shall prepare a form on which each ICF/MR and each community based residence shall report its total bed days and shall calculate the assessment due. The commissioner shall distribute the forms to each intermediate care facility for the mentally retarded and each community based residence for individuals with mental retardation at least annually. The failure to distribute the form or the failure to receive a copy of the form shall not stay the obligation to pay the assessment by the date specified in this section. The division may require additional reports, including but not limited to monthly census data, as it deems necessary to monitor collections and compliance.

(d) The division shall have the authority to inspect and copy the records of an ICF/MR or community residence for the purposes of auditing its calculation of the assessment. In the event that the division determines that an ICF/MR or a community-based residence has either overpaid or underpaid the assessment, the division shall notify the ICF/MR or the community based residence of the amount due or refund the overpayment. The division may impose per diem penalties if an ICF/MR or a community-based residence fails to produce documentation as requested by the division.

(e) In the event that an ICF/MR or a community based residence is aggrieved by a decision of the division as to the amount due, the ICF/MR or the community based residence may file an appeal to the division of administrative law appeals within 60 days of the notice of underpayment or the date the notice was received, whichever is later. The division of administrative law appeals shall conduct each appeal as an adjudicatory proceeding pursuant to chapter 30A, and

an ICF/MR or a community based residence aggrieved by a decision of the division of administrative law appeals shall be entitled to judicial review pursuant to section 14 of said chapter 30A.

(f) The division shall establish by regulation appropriate mechanisms for enforcing the provisions of this section. Such enforcement may include notification to the department of mental retardation to take appropriate actions, including the revocation of licensure or certification for failure to remit delinquent fees.

(g) The division, in consultation with the department of mental retardation and the division of medical assistance, shall promulgate regulations necessary to implement this section.

SECTION 297. Section 18 of chapter 118G of the General Laws is amended by adding the following paragraph: (p) Within the Uncompensated Care Trust Fund, there shall be established a department of mental retardation transfer account, administered by the secretary of health and human services, consisting of any receipts from the assessment collected pursuant to section 27 of chapter 118G of the general laws, including transfers by the department of mental retardation of amounts sufficient to pay the assessment for public facilities, any federal financial participation received by the commonwealth as a result of expenditures funded by such assessments, and any interest thereon. The secretary may authorize expenditures of amounts from such account without further appropriation. The comptroller shall transfer no later than the first business day of each quarter, the amounts indicated by the department of mental retardation to provide the appropriate payment adjustments for operating the intermediate care facilities for the mentally retarded and the community residences serving individuals with mental retardation. The comptroller shall establish such procedures as may be necessary to accomplish the purpose of this section, including procedures for the proper transfer, accounting and expenditures of funds under this section. The comptroller may make payments in anticipation of receipts and shall establish procedures for reconciling overpayments and underpayments from said account. The secretary shall account for revenue and expenditure activity within said account.

SECTION 298. Notwithstanding the provisions of any general or special law to the contrary, there shall be established a commission to study the asset test for the working disabled adults in the Commonwealth program. Said commission shall report its findings to the house and senate committees on ways and means, the joint committee on health care, and the house committee on Medicaid by October 1, 2004. Said report shall include a cost estimate on the elimination of such an asset test on said population.

SECTION 299. Notwithstanding the provisions of any general or special law to the contrary, in fiscal year 2005, the comptroller shall transfer from the Uncompensated Care Trust Fund account established pursuant to section 18(p) of chapter 118G of the General Laws, an amount sufficient to reflect the costs of the assessment on public facilities and an amount sufficient to fund rate increases for services provided to MassHealth members by non-public intermediate care facilities and community based residences. The comptroller shall transfer the federal financial participation received as a

result of expenditures funded by the assessments to an account established for the department of mental retardation to administer for the purposes described above. The assessments and federal financial participation collected pursuant to section 27 of chapter 118G of the General Laws shall be expended to fund payments for services provided to MassHealth members by intermediate care facilities for the mentally retarded and community based residences. Said assessments shall not be collected, and the expenditures required by this act shall not be authorized until the department of mental retardation and division of medical assistance certify the receipt of federal approval of any home and community based waiver amendments and related Title XIX state plan amendments, if required.

SECTION 300. Section 2A of chapter 101 of the acts of 1999 is hereby amended by striking item 1599-1499 and inserting in place thereof the following:—

1599-1499 For a one-time loan to the city of Quincy for the purpose of facilitating the conversion of Quincy Hospital from ownership by the city of Quincy to ownership by a private nonprofit corporation; provided, that such loan shall be repaid by the city in one installment, without interest, in fiscal year 2005; provided further, that 22 per cent of said repayment amount shall be dedicated for a payment to a municipality in Essex county to defray debt resulting from the operation of a former municipally-owned hospital; provided further, that the terms of the loan shall be established by and subject to the terms of an agreement to be negotiated between the city, represented by the mayor, and the secretary of administration and finance; provided further, that the state comptroller shall intercept cherry sheet payments due the city from the commonwealth upon certification by the secretary that the city is in default on the loan or any other terms of the agreement; provided further, that the proceeds of the loan shall be used by the city for the costs associated with the conversion, including, but not limited to, obligations of the hospital to the city for employee benefits and for any indebtedness incurred by the city on behalf of the hospital; provided further, that in the event that the financial commitments of the city to the hospital in fiscal years 2000 to 2004, inclusive, terminate for any reason prior to fiscal year 2005, the annual installment payments of the loan shall become due in the fiscal year following the fiscal year in which the financial commitments terminate; provided further, that the city, in collaboration with the corporation, shall file annually with the secretary and with the secretary of health and human services, the house and senate committees on ways and means and the joint committee on health care a report delineating the benchmarks

and milestones established by the corporation to achieve financial viability and the status of the corporation in achieving the benchmarks and milestones, including changes in patient volume and payer mix, the establishment and maintenance of community benefits by the corporation and the results of affiliations with other health care providers and health care entities; and provided further, that the report shall be filed not later than the January 1 following the end of each hospital fiscal year 2000 to 2005, inclusive 12,100,000.

SECTION 301. Notwithstanding the provisions of any general or special law or regulation to the contrary, the division of medical assistance may expend, subject to federal approval, an amount not to exceed \$90,000,000 from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund for title XIX payments to the Quincy Medical Center. The payments shall be established in accordance with Title XIX of the federal Social Security Act, or any successor federal statute, any regulations promulgated thereunder, the commonwealth's Title XIX state plan, and the terms and conditions of agreements reached with the division for such payments. No such funds shall be expended unless Quincy Medical Center has executed the division of medical assistance's current Acute Hospital Request for Applications and Contract, and the City of Quincy makes an intergovernmental funds transfer in the amount specified in an agreement, which amount shall be not less than 50 per cent of the Title XIX payment. No such funds shall be expended by Quincy Medical Center unless the provisions of section 101 of the acts of 1999, as amended by this act, have been met. All revenues generated pursuant to the provisions of this section shall be credited to the medical assistance intergovernmental transfer account and administered in accordance with the provisions of paragraph (o) of section 18 of chapter 118G of the General Laws.”;

By striking out section 78 and inserting in place thereof the following section:

“SECTION 78. Notwithstanding the provisions of any general or special law to the contrary, the executive office of health and human services pursuant to section 15 of chapter 26 of the acts of 2003, acting in its capacity as the single state agency under Title XIX of the Social Security Act, and other federally assisted programs administered by said secretariat, and as the principal agency for all of the agencies within the secretariat, is authorized to enter into interdepartmental service agreements with the university of Massachusetts medical school to perform such activities as the secretary, in consultation with the comptroller, determines are appropriate and within the scope of the proper administration of said Title XIX and other federal funding provisions to otherwise support the programs and activities of the executive office. Such activities shall include, but not be limited to: (1) provision of administrative services, including, but not limited to, activities such as providing the medical expertise to support or administer utilization management activities, determining eligibility based on disability, supporting case manage-

ment activities and similar initiatives; (2) consulting services related to quality assurance, program evaluation and development, integrity and soundness, and project management; and (3) activities and services for the purpose of pursuing federal reimbursement or avoiding costs, third party liability and recouping payments to third parties. Such activities shall also include providing consulting services to providers in geographic areas with high rates of uninsured and Medicaid recipients, including but not limited to the city of Lawrence, the city of Holyoke, the Dorchester section of the city of Boston, the city of Haverhill, and the city of Quincy, in order to maximize available federal revenues permissible under federal law. Said secretary, in consultation with the comptroller, shall submit monthly reports to the house and senate committees on ways and means detailing a list of ongoing and new projects undertaken by UMass medical school. Federal reimbursement for any expenditures made by the university of Massachusetts medical school relative to federally-reimbursable services said school provides under said interdepartmental service agreements or other contracts with the executive office of health and human services shall be distributed to said university. The secretary may negotiate contingency fees for activities and services related to the purpose of pursuing such federal reimbursement or avoiding costs, and the comptroller shall be directed to certify said fees and pay upon the receipt of such revenue, reimbursement or demonstration of costs avoided; provided however that the secretary shall not pay contingency fees in excess of \$30,000,000 for state fiscal year 2005. The secretary of health and human services shall submit to the secretary of administration and finance and the house and senate committees on ways and means a quarterly report detailing the amounts of the agreements, the amounts spent on personnel and the amount of federal reimbursement and recoupment payments that said university was able to collect. Profits resulting from services or products developed pursuant to this section and sold to other entities, public or private, shall be divided between the commonwealth and the university of Massachusetts medical school, provided that Commonwealth claim to one quarter of the profits and the university of Massachusetts medical school claim to three quarters of said profits. The commonwealth's share of said profits shall be deposited into the General Fund.”;

By adding at the end thereof the following four sections:

“SECTION 302. Notwithstanding the provisions of any general or special law to the contrary, the Executive Office of Health and Human Services shall annually prepare a public health access program beneficiary employer report. For the purposes of this section, a ‘public health access program beneficiary’ shall mean a person who receives medical assistance or medical benefits under chapter 118E of the General Laws or a person who receives health care services that qualifies as free care pursuant to chapter 118G of the General Laws. The report shall provide the following information for each employer of 50 or more public health access beneficiaries: (1) The name and address of the employer; (2) the number of public health access program beneficiaries who are employees of the employer; (3) the number of public health access program beneficiaries who

are spouses or dependents of employees of the employer; (4) whether the employer offers health benefits to its employees; and (5) the cost to the Commonwealth of providing public health access program benefits for their employees and enrolled dependents. The report shall not include the names of any individual public health access program beneficiaries. The report shall be submitted annually on February 1 to the Joint Committee on Health Care and the House and Senate Committees on Ways and Means.

SECTION 303. Notwithstanding the provisions of any general or special law to the contrary, the operational services division of the executive office of administration and finance may develop a methodology to provide comparable surplus revenue retention on an annual basis for both for-profit and not-for-profit vendors that contract with the Commonwealth to provide human and social services.

SECTION 304. Notwithstanding the provisions of any general or special law to the contrary, any prior authorization or restriction on medication policy, rule or regulation of the department of mental health, division of medical assistance or any other agency applicable to the treatment of children with mental illness or those who use rescue medications to treat pediatric asthma shall require that the department of mental health or the division of medical assistance provide telephone, fax or other electronically transmitted approval or denial with appropriate clinical reasons within 2 weeks after the receipt of the prior authorization request. If in the 48 hours following the request for a prior authorization drug, the prescribing physician, with signed agreement from the department of mental health or the medical director of the division of medical assistance, determines that an emergency situation exists, the prescribed drug may be dispensed at a physician's discretion and until such time as the prior authorization process is completed. In the event a prior authorization request is denied and is subsequently appealed pursuant to the applicable regulations of the department of mental health and the division of medical assistance, the prescribed drug may be dispensed at a physician's discretion and until such time as the prior authorization process and subsequent appeal are determined if there is agreement between the commissioner of the department of mental health or the medical director of the division of medical assistance and prescribing physician, an emergency situation exists. Any drug dispensed in said manner shall be eligible for full coverage and payment by the division of medical assistance.

SECTION 305. Notwithstanding the provisions of any general or special law to the contrary, there shall be established a special commission for the purpose of conducting a study into the impact of concierge medical practices on citizens of the Commonwealth. Said commission shall consist of the commissioner of the division of insurance or his designee, the Attorney General or his designee, the Chairs of the joint committee on health care or their designees, the Chairs of the joint committee on insurance or their designees, the Commissioner of the department of public health or his designee, the Executive Director of the board of registration in medicine or his designee, one representative from the Massachusetts Association of Health Plans, one representative from Blue Cross Blue Shield, one

representative from the Massachusetts Medical Society, one representative from Health Care for All and 2 physicians engaging in the practice of concierge medicine, one of whom is to be appointed by the Speaker of the house of representatives and one of whom is to be appointed by the President of the senate. The study shall include, but is not limited to, the impact of concierge medical practices on the state's health care system particularly as it relates to access. The Commission shall examine the number of physicians engaging in the practice of concierge medicine and the number of concierge practices operating in Massachusetts, the number of consumers enrolled in concierge practices and an assessment of the impact on patients displaced due to physicians engaging in these types of practices. The Commission shall review the fees charged by concierge physicians and ascertain whether these fees are being charged for services that are already part of the patient's coverage with the health insurance carrier. The Commission shall examine whether concierge practices violate state insurance and consumer protection statutes. The commission shall convene on or before September 1, 2004 and shall file a report not later than August 31, 2005 with the office of the house and senate clerks of the general court with recommendations relative to further regulation of concierge medical practices.”;

By striking out section 36 and inserting in place thereof the following section:

“SECTION 36. Notwithstanding any general or special law to the contrary, the division of medical assistance may develop or amend any standards and regulations applicable to personal care attendant services as the division determines to be necessary and appropriate for the proper and efficient operation of the medical assistance and medical benefits programs administered under chapter 118E of the General Laws. Provided, that said amendments shall be reviewed by a study commission comprised of 3 members of the house of representatives, 2 appointed by the speaker, 1 by the minority leader; 3 members of the senate, 2 appointed by the senate president, 1 by the minority leader; 1 representative from the division of medical assistance; 1 representative of the governor's commission on people with disabilities, 1 representative of the Massachusetts office on disability; and 1 representative of the statewide independent living council. The commission shall be charged with examining the current practice of determining eligibility and degree of need for personal care attendant services and shall identify options to maximize efficiencies and cost savings in the program. Said options shall include, but not be limited to: (1) requiring a registered nurse or other clinical professional to evaluate the personal care attendant needs of an individual; and (2) requiring the division of medical assistance to certify any diagnosis that would require more than 30 hours per week of personal care attendant services. Said commission shall submit their findings to the house and senate committees on ways and means and the house committee on Medicaid by December 15, 2004.”;

In section 72, in line 25, by inserting after the word “so-called.” the following sentence: “Said agency shall make provisions to allow those persons enrolled in said program and meeting the eligibility

requirements established under the MassHealth program to be eligible to enroll in Medicaid managed care organizations and to allow the Medicaid managed care organizations the option of enrolling program members through current managed care organization enrollment assignment guidelines if said enrollment would be cost-effective for the commonwealth.”;

By striking out section 75 and inserting in place thereof the following section:

“SECTION 75. Notwithstanding any general or special law to the contrary, in fiscal year 2005, the secretary of health and human services shall expend not less than 60% of available funds from the Essential Community Provider Expendable Trust Fund as established by section 133 of chapter 140 of the acts of 2003 and as amended by chapter 40 of the acts of 2004, for payments to providers within the service area of the Boston Public Health Commission in the city of Boston and serving a substantial number of Boston residents. Said secretary shall expend not less than 30% of available funds from said Fund for payments to statewide providers within the service area of the Cambridge Health Alliance that provide essential community services. Expenditures from said Fund shall be subject to appropriation. Any provider receiving payments from this Fund shall enter into an agreement with the executive office of health and human services to take actions necessary to modify business management of medical care practices in a manner calculated to improve the net operating revenues of said provider.

Expenditures from this fund shall be dedicated to efforts that are designed to improve and enhance the ability of said essential community providers to serve populations in need more efficiently and effectively, including, but not limited to, the ability to provide community-based care, clinical support and care coordination services, pharmacy management services, or other efforts to create effective coordination between hospital care and ambulatory care sites in the community. Notwithstanding the provisions of any general or special law to the contrary, said Secretary shall make available from said fund \$3,000,000 in a one-time grant for a community health center located in Suffolk county that participates in the MassHealth program, so-called, operates a 24-hour urgent care facility and a 340B outpatient pharmacy program, so-called; \$750,000 in a one-time grant for a for a teaching hospital located in central Berkshire county; \$5,500,000 in a one-time grant for a disproportionate share financially distressed community hospital located in Suffolk County with a locked inpatient adolescent psychiatric unit that participates in the MassHealth program, so-called; \$500,000 in a one-time grant for a community health center that serves as a family practice residency training site for a commonwealth funded medical school and that assumed the primary care services of the former Worcester City Hospital; \$750,000 for a one-time payment to a disproportionate share hospital provider in the county formerly known as Essex County who has a family practice residency in partnership with a federally qualified community health center; \$285,000 in a one-time grant to a community, non-profit, acute care regional teaching hospital located in Worcester county affiliated with the University of

Massachusetts Memorial Health Care System; \$400,000 in a one time grant for a community health center located in South Boston which operates an urgent care center and which is affiliated with the disproportionate share teaching hospital in Suffolk County with the highest volume of free care; \$400,000 in a one-time grant to a community health center with at least three sites serving the medically underserved areas of Dorchester and South Boston, including at least one public housing project; \$750,000 in a one-time grant for a non-teaching community disproportionate share acute care hospital located in southeastern Massachusetts, which provides inpatient care to over 5,000 MassHealth or MassHealth HMO patients each year; \$750,000 in a one-time grant to a non-profit visiting nurse association located in Boston that delivers at least 30 per cent of all MassHealth reimbursement skilled nursing visits and at least 50 per cent of all MassHealth reimbursed home health aide services in Suffolk County ; \$500,000 in a one-time grant for a hospital that is a member of the UMass Memorial Health Care system located in Hampden County with less than 50 licensed beds; \$350,000 in a one-time grant for a community hospital located in Hampshire County with an affiliation with a teaching hospital located in Hampden County; \$500,000 in a one-time grant for a hospital located in Hampden County , west of the Connecticut River with under 100 beds that participates in MassHealth; \$1,000,000 for a one-time grant for a disproportionate share teaching hospital located in Hampden County; \$300,000 in a one-time grant to inpatient behavioral health providers under contract with MassHealth's managed care contractors for mental health and substance abuse for costs associated with providing care to stuck kids, so called; and provided further, that \$500,000 shall be made available for a one-time grant to a disproportionate share acute care hospital located in the South-eastern Massachusetts division of medical assistance psychiatric service area that operates inpatient psychiatric units. Nothing provided herein shall preclude any hospital or community health center from receiving additional funds from said fund. Provided, that all expenditures made from said fund shall be made eligible for federal reimbursement by said secretary and the division of medical assistance. The secretary shall file a report not later than November 1, 2004 to the speaker of the house of representatives, the president of the senate and to the house and senate committees on ways and means describing the providers funded or to be funded during fiscal year 2005, the amount expended or to be expended for each provider pursuant to this section and the amount of anticipated federal reimbursement. All federal reimbursements received by the commonwealth for expenditures made from the fund shall be deposited into said fund.”;

In section 77, in line 39, by striking out the figures “10” and inserting in place thereof the figures “14”; in line 40, by inserting after the word “year” the following: “; provided further that in order to identify said 16 hospitals, the division shall rank all hospitals based on the percentage of each hospital's free care costs divided by the total free care costs of all hospitals in the commonwealth”; and in line 48, by inserting after the word “situations” the following: “-

Provided, that criteria for such payments shall include consideration of hospitals with more than 50 per cent public payers in underserved geographic areas with high emergency room utilization and an inpatient psychiatric ward. Of said amount, not less than \$4,000,000 shall be made available for a one-time payment to statewide providers within the service area of the Sisters of Providence Health System Behavioral Health Network to address costs associated with the provision of mental health services, and not less than \$1,200,000 shall be made available for a one-time payment to a disproportionate share teaching hospital in Worcester County for emergency mental health services”;

By striking out section 79 and inserting in place thereof the following section:

“SECTION 79. Section 9 of Chapter 118E of the General Laws, as so appearing, is hereby amended by adding at the end thereof the following:—

Medicaid benefits under the waiver for home and community based services for the elderly under section 1915(c) of the Social Security Act (42 U.S.C. Sec. 139n(d)), also known as the section 2176 elder care waiver, shall be available to individuals whose income, excluding the income of a spouse, does not exceed three hundred percent of the federal benefit rate under the supplemental security income program, established pursuant to Title XVI, section 1611(b)(1) of the Social Security Act (42 U.S.C. Sec. 1382(b)(1)). The asset test for the home and community based waiver shall be twenty thousand dollars. Individuals eligible for admission to a long term care facility under this chapter shall be given a choice of receiving services in a home or community-based setting or in a nursing facility in order to secure care in the least restrictive setting appropriate to their needs once said waiver is granted and implemented. The division shall obtain any necessary waivers or agreements from the federal government before effectuating this expanded waiver program. Said expansion shall be at no net cost to the state and shall not be implemented without approval of the General Court.”;

By striking out section 80 and inserting in place thereof the following section:

“SECTION 80. Notwithstanding any general or special law or regulation to the contrary, the division of medical assistance shall seek any necessary federal waivers or regulation changes and develop a pilot program within the MassHealth primary care clinician plan for up to 25,000 disabled managed-care eligible MassHealth members. Said program shall be contracted by an open bidding process and reimbursed to include one or more Medicaid managed care organizations by the division at a predetermined capitated rate for each such enrolled MassHealth member. Such pilot program shall include case management by a nonprofit entity, working in collaboration with the Massachusetts League of Community Health Centers. Such pilot program shall include the provision of primary care and pharmacy benefits through community health centers and hospital-licensed community health centers. No later than 60 days prior to the implementation of said pilot program, the

division of medical assistance shall notify the house and senate committees on ways and means and the secretary of administration and finance of the number of projected participants, the planned date of implementation, any expected reduction in spending resulting from the program, and the effect on the level of services available to participating members. Hospitals providing services to persons participating in the pilot program shall be required to report data on program participants, including service and billing information, to the division of health care finance and policy and to health maintenance organization managing the care of such participants. An evaluation of the quality and cost effectiveness of the pilot program, including any expected reduction in spending resulting from the provisions of this section and the effect on the level of services available to participating members and on the uncompensated care pool, shall be completed by Commonwealth of Massachusetts. The results of such evaluation shall be reported by the division to the house and senate committees on ways and means and the secretary of administration and finance, no later than October 1, 2005.”;

By adding at the end thereof the following twelve sections:

“SECTION 306. The first paragraph of section 12 of Chapter 118E of the General Laws is hereby amended by adding the following two sentences:— The division or department, as appropriate, shall adopt and amend regulations, in accordance with chapter 30A, for the administration of its duties and powers and to effectuate the provisions and purposes of this chapter. Regulations which restrict eligibility or covered services shall be adopted only after public notice and hearing.

SECTION 307. Section 682 of Chapter 26 of the Acts of 2003 is hereby amended in line 22 by inserting after the words ‘ways and means’ the following sentence:— Prior to September 1, 2004, the agency shall determine if anticipated expenditures for said program will be less than the \$160,000,000 cap appropriated herein and result in a surplus of funds. Provided, that any estimated surplus funds shall be transferred to the Uncompensated Care Fund not later than September 15, 2004. Said agency shall notify the house and senate committees on ways and means of the amount of said transfer no less than 7 days prior to said transfer.

SECTION 308. Notwithstanding the provisions of any general or special law or regulation to the contrary, the division of medical assistance may expend, subject to federal approval, an amount not to exceed \$30,000,000 from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund for Title XIX payments to qualifying hospitals located in the city of Holyoke, the city of Lawrence, and the Dorchester section of the city of Boston. The payments shall be established in accordance with Title XIX of the federal Social Security Act, or any successor federal statute, any regulations promulgated thereunder, the Commonwealth’s Title XIX state plan, and the terms and conditions of agreements reached with the division for such payments. No such funds shall be expended unless said qualifying hospitals have executed the division of medical assistance’s current Acute Hospital Request for Applications and Contract, and the city of Holyoke, the

city of Lawrence and the Boston Public Health Commission make an intergovernmental funds transfer in an amount specified in an agreement, which amount shall be not less than 50 per cent of the Title XIX payment. All revenues generated pursuant to the provisions of this section shall be credited to the medical assistance intergovernmental transfer account and administered in accordance with the provisions of paragraph (o) of section 18 of chapter 118G of the General Laws.

SECTION 309. Notwithstanding the provision of any general or special law to the contrary, the division of medical assistance shall study the possible effects of placing any drug prescribed for the treatment of hemophilia or blood disorders on prior authorization. Said study shall include an analysis on the clinical outcomes that could result from such prior authorization as compared to the effectiveness of oversight to prevent overmedication or misuse of prescribed drugs. The results of said study and any accompanying recommendations shall be submitted to the house and senate committees on ways and means no later than December 1, 2004.

SECTION 310. Notwithstanding the provisions of any general or special law or regulation to the contrary, the division of medical assistance may expend, subject to federal approval, an amount not to exceed \$16,000,000 from the medical assistance intergovernmental transfer account within the medical assistance intergovernmental uncompensated care trust fund for Title XIX payments to Neighborhood Health Plan. The payments shall be established in accordance with Title XIX of the federal Social Security Act, or any successor federal statute, any regulations promulgated thereunder, the Commonwealth's Title XIX state plan, and the terms and conditions of agreements reached with the division for such payments. No such funds shall be expended unless Neighborhood Health Plan has executed a managed care contract with the division of medical assistance and makes an intergovernmental funds transfer in an amount specified in an agreement, which amount shall be not less than 50 per cent of the Title XIX payment. All revenues generated pursuant to the provisions of this section shall be credited to the medical assistance intergovernmental transfer account and administered in accordance with the provisions of paragraph (o) of section 18 of chapter 118G of the General Laws.

SECTION 311. Notwithstanding the provisions of any general or special law to the contrary, the Division of Medical Assistance is hereby directed to promulgate regulations designed to: (a) streamline and simplify signature authorization procedures for clinical laboratory services, and specifically to exclude, as a condition of payment for any laboratory test order form, a physician's handwritten signature; and (b) clarify the billing procedures for specimen referral where the referring laboratories and testing laboratories are subsidiary related. Any change to existing regulation shall require the referring laboratory to disclose on its claim forms (i) the MassHealth provider number for the testing laboratory and (ii) the tests performed by the testing laboratory.

SECTION 312. Notwithstanding any general or special law to the contrary, the division of medical assistance may seek a waiver under

the titles XIX and XXI of the Social Security Act to expand MassHealth comprehensive family planning services for individuals whose income is at least up to 200% of the federal poverty line. Said division shall only seek said waiver if said division determines that said expansion would be cost neutral to the Commonwealth and would not incur a deficiency in any item funded in section 2 of this act. Said waiver shall at least include those services currently covered as comprehensive family planning services including comprehensive medical and gynecological examinations, contraceptive counseling and methods, sexually transmitted disease testing and treatment, screening for breast and cervical cancer, related laboratory screenings, non directive counseling and referral for pregnancy and prenatal care, infertility and other health related issues. Said division shall notify the house and senate ways and means committees within 10 days of the filing of said waiver with the Centers for Medicare and Medicaid Services and shall notify said committees within 10 days of approval of said waiver.

SECTION 313. Notwithstanding the provisions of any general or special law to the contrary, no individual physician or physician group under the solo or group practice exclusion from the definition of 'clinic' contained in section 52 of chapter 111 of the General Laws, other than a radiologist or any other physician who is employed by an acute hospital, shall refer a patient for services to a health care entity that operates medical, diagnostic or therapeutic equipment that is used to provide an innovative service or that is new technology, as such terms are defined in section 25B of chapter 111 of the General Laws, if: (i) the physician holds a direct or indirect ownership or investment interest in such medical, diagnostic or therapeutic equipment or entity; (ii) the physician's immediate family holds a direct or indirect ownership or investment interest in such medical, diagnostic, or therapeutic equipment or entity; or (iii) the physician or member of the physician's immediate family has any direct or indirect arrangement involving compensation with such entity. For purposes of this section, 'health care entity' is defined as an entity that provides health care related testing, diagnosis or treatment of individuals but does not include a hospital licensed by the department of public health pursuant to section 51 of Chapter 111 of the General Laws. For purposes of this section 'investment interest' is defined as an ownership or investment interest through equity, debt, leasehold interest, or other means, or a compensation arrangement, regardless of whether such interest is direct or indirect. The department of public health shall enforce this section. The Superior Court shall have jurisdiction in equity to enforce the provisions of this section. Upon an initial determination of a violation of this section, the department shall forthwith seek injunctive relief in the Superior Court. A violation of this section shall be punishable by a fine of not less than \$25,000. Any continuing violation of this section shall be punishable by a fine of not less than \$25,000 and not more than \$100,000 per day of operation, and by one or both of: (i) referral of the physician to the board of registration in medicine for appropriate disciplinary action; and (ii) revocation of the health care entity's license.

SECTION 314. Notwithstanding the provisions of any general or special law to the contrary, the executive office of health and human services shall study the cost impact and feasibility of establishing a moratorium on the replacement of stable clinical positions by so called 'fee for service' positions that provide no health benefits such as health insurance and sick leave. Said study shall include analysis on the effect said moratorium would have on human service providers throughout the state who contract with said executive office and its agencies and the cost impact on the Commonwealth. Said study shall also investigate the feasibility of reclassifying any human service worker or clinical positions that are funded in whole, or in part by state revenue and currently provide health insurance and sick leave into fee-for service positions that do not provide both health insurance and sick leave.

SECTION 315. There is hereby established a special commission to be known as the Patient Care and Nursing Staff Commission. Said commission shall consist of the following 23 members: the speaker of the house of representatives or his designee, the chairman of the house ways and means committee or his designee, the chairman of the healthcare committee or his designee, the chairman of the committee on medicaid or his designee, the minority leader of the house of representatives or his designee, the senate president or his designee, the chairman of senate ways and means committee or his designee, 5 members of the house of representatives to be appointed by the speaker of the house, 5 members of the senate to be appointed by the senate president, the president of the Massachusetts Nurses Association or his designee, the President of the Massachusetts Business Roundtable or his designee, the president of the Massachusetts Hospital Association or his designee, the president of the Massachusetts Association of Health Plans or his designee, the secretary of the executive office of health and human services or his designee, and the president of the Associated Industries of Massachusetts or his designee.

The commission shall study and evaluate the feasibility of establishing and maintaining minimum standards for the number of registered nurses per patient in all acute care hospitals and facilities throughout the commonwealth. Said study shall include, but not be limited to, the following: (i) the effect of creating an acuity based patient classification system as a formula for establishing a minimum direct care registered nurse to patient ratio standard for all acute care hospitals and facilities within the commonwealth; (ii) the fiscal impact, including the potential for closure, of mandating such minimum standards upon acute care hospitals licensed by the department of public health; (iii) the fiscal and regulatory impact of similarly enacted legislation upon other states, including but not limited to the state of California; (iv) the impact upon both overtime work for nurses of facilities in compliance with such standards as well as registered nurse turnover rates; (v) the impact such a standard would have upon staffing levels of both part-time nurses and licensed practical nurses; and (vi) the impact such a standard will have upon replenishment of nurses to the professional workforce.

Said commission shall report its findings, including legislative recommendations, to the house ways and means committee no later than January 31, 2005.

SECTION 316. Section 632 of chapter 26 of the acts of 2003 is hereby repealed.

SECTION 317. Notwithstanding the provisions of any general or special law to the contrary, the regulations, criteria and standards for determining admission to and continued stay in a nursing home shall not be more restrictive than those regulations, criteria and standards in effect on January 1, 2002 until such time as the executive office of health and human services and the executive office of elder affairs submit a multi-year plan to the house and senate committees on ways and means, the joint committee on health care, and the house committee on medicaid detailing the suggested timeline for phasing in changes to nursing home clinical criteria, provided that said changes shall not adversely affect current nursing home residents and shall not jeopardize the effectiveness of the 2176 home and community based waiver.”;

In item 5011-0100, by striking out the figures “31,812,159” and inserting in place thereof the figures “32,312,159”;

By striking out item 5046-2000 and inserting in place thereof the following item:

“5046-2000	For homelessness services; provided, that not less than \$90,000 shall be expended for the provision of health services to the homeless and uninsured by Primary Care and Mental Health, Inc. located in the city of Lynn	22,182,363”;
------------	---	--------------

By striking out item 5055-0000 and inserting in place thereof the following item:

“5055-0000	For forensic services provided by the department; provided further, that not less than \$500,000 shall be expended for a pilot program for mental health counselors at county houses of correction	6,371,879”;
------------	--	-------------

By striking out item 5095-0015 and inserting in place thereof the following item:

“5095-0015	For the operation of adult inpatient facilities, including the community mental health centers; provided, that in order to comply with the provisions of the Olmstead decision and to enhance care within available resources to clients served by the department, the department shall take steps to consolidate or close psychiatric hospitals managed by the department and shall endeavor within available resources to discharge clients residing in the inpatient facilities to residential services in the community when the following criteria are met: 1) the client is deemed clinically suited for a more integrated setting; 2) community residential service capacity and resources available are sufficient to provide each client with an equal or improved level of service; and 3) the cost to the
------------	--

commonwealth of serving the client in the community is less than or equal to the cost of serving the client in inpatient care; provided further, that any client transferred to another inpatient facility as the result of a facility closure shall receive a level of care that is equal to or better than the care that had been received at the closed facility; provided further, that no action to reduce the client population of the Worcester or Westboro facilities for the sole purpose of closing the hospital shall be undertaken, and no steps shall be taken to close the institution through attrition, layoffs or any other means until a study of the hospital building plan is completed and the General Court shall have approved the closure of Worcester State Hospital and Westboro State Hospital; provided further, that no closure shall be approved by the General Court without the authorization of the Westboro municipal officials; and provided further, that the department may allocate funds in an amount not to exceed \$5,000,000 from this item to item 5046-0000, as necessary, pursuant to allocation plans submitted to the house and senate committees on ways and means 30 days prior to any such transfer, for residential and day services for clients formerly receiving inpatient care at the centers and facilities; and provided further, that not less than \$2,500,000 of that \$5,000,000 shall be spent on state operated programs in the community

151,932,242";

By adding at the end thereof the following three sections:

"SECTION 318. There shall be a special commission to investigate and study the feasibility of constructing a new inpatient facility in central Massachusetts for clients of department of mental health and other persons with mental illness who require hospitalization or continuing care in a hospital setting. The study shall include, but not be limited to design features of any such facility, costs of construction, financing strategies, timeline for development and construction, administration of any such facility, and the siting of any such facility. The commission shall consist of fifteen members as follows: five members of the house, one member appointed by minority leader, four appointed by the speaker of the house, three members of the senate, one appointed by the minority leader, two appointed by the president of the senate; the secretary of administration and finance or his designee; the commissioner of the department of mental health, or her designee; the commissioner of the department of capital asset management and maintenance, or his designee; a representative from American Federation of State County and Municipal employees; a representative from Mass Nurses Association and 2 representatives from the national alliance for the mentally ill of Massachusetts. The commission shall report to the general court the results of its study together with recommendations and drafts of legislation by filing the same with the clerks of the senate and the House of Representatives on or before April 1,

2005.(b) No action shall be taken to reduce the client populations of Worcester State Hospital or Westborough State Hospital for the sole purpose of closing either or both of said hospitals, and not steps shall be taken to close either institution through attrition, layoffs or other means until the report of the special commission established in subsection (a) of this section has been filed and the general court shall have approved the closure of Worcester State Hospital or Westborough State Hospital, or both facilities.

SECTION 319. Notwithstanding the provisions of any general or special law to the contrary, the division of capital asset management and planning shall not execute any lease or land disposition agreement or deed of conveyance relative to the land and buildings owned by the commonwealth of Massachusetts located at the site of the Medfield State Hospital in the town of Medfield, until a proposed reuse plan, approved by the commissioner of the department of mental health and the secretary of the executive office of health and human services, is filed with the clerks of the Massachusetts House of Representatives and the Massachusetts Senate, and is approved by a joint resolution of the House and Senate.

SECTION 320. Notwithstanding any law to the contrary, the Massachusetts Department of Mental Health and the Division of Capital Asset Management are hereby authorized to enter into an agreement with the Town of Northborough regarding the sale, lease or Conveyance of certain parcels of land located in said town, adjacent to the Westborough State Hospital for the purpose of passive recreational use by said town of Northborough."

By striking out items 5911-1000, 5911-2000, 5920-1000, 5920-2000, 5920-2025, 5920-3000 and 5930-1000, and inserting in place thereof the following seven items:

"5911-1000	For the administration of the department of mental retardation; provided, that the department shall not charge user fees, so-called, for transportation or community day services; and provided further, that the department shall not charge fees for eligibility determination for services provided by said department or for applications of requests for transfer of guardianship, so-called; provided that \$99,000 be expended for the hiring of a consultant by the majority vote of the Fernald Re-Use Committee established in Section 678 of the acts of 2003 for the purposes of asset assessment and re-use development proposal	13,201,349
5911-2000	For transportation costs associated with the adult services program; provided, that the department shall provide transportation on the basis of priority of need as determined by the department; provided further that not less than \$100,000 shall be expended from this item for the Life Focus Center in the Charlestown section of the City of Boston	13,782,367
5920-1000	For the operation of regional and area offices of the	

department; provided, that the department shall submit a semi-annual report to the house and senate committees on ways and means detailing the total number of service coordinators within the department, the number of consumers served by said coordinators, and the amount of time spent per month per consumer

52,316,518

5920-2000 For vendor-operated community-based residential adult services, including intensive individual supports; provided, that \$9,520,000 shall be expended in annualized funding for turning 22 clients who began receiving the services in fiscal year 2004 pursuant to item 5920-5000 of section 2 of chapter 26 of the acts of 2003; provided further, that \$8,250,000 shall be expended for the fiscal year 2004 annualized cost of the settlement agreement Rolland vs. Cellucci, so-called, and \$5,000,000 shall be expended for the fiscal year 2005 cost of the settlement; provided further, that the commissioner of the department of mental retardation shall transfer funds from this item to item 5920-2010, as necessary, pursuant to an allocation plan, which shall detail by subsidiary the distribution of said funds to be transferred and which said commissioner shall file with the house and senate committees on ways and means 15 days prior to any such transfer; provided further, that not less than \$275,000 of additional funding be provided to Advocates, Inc. for residential services provided under contract #26604660343; and provided further, that not more than \$5,000,000 shall be transferred from this item in fiscal year 2005; provided further, that not less than \$50,000 shall be expended for the Advocacy Resource Center in New Bedford to provide critical family support services in the area of community-based resident education for special needs children; and provided further, that not less than \$150,000 shall be expended for Best Buddies Massachusetts.....

476,764,523

5920-2025 For community-based day and work programs for adults and for \$2,720,000 in annualized funding for turning 22 clients who began receiving services in fiscal year 2004 pursuant to item 5920-5000 of section 2 of chapter 26 of the acts of 2003; provided that not less than \$100,000 shall be expended for the Life Focus Center in the Charlestown section of the City of Boston...

108,551,278

5920-3000 For respite services and intensive family supports and for \$1,360,000 in annualized funding for turning 22 clients who began receiving services in fiscal year 2004 pursuant to item 5920-5000 of section 2 of chapter 26 of the acts of 2003; provided, that the department shall pursue the

highest rates of federal reimbursement possible for such services; and provided further that not more than \$50,000 be expended for the Friendship Home project in Norwell

46,800,000

5930-1000

For the operation of facilities for the mentally retarded, including the maintenance and operation of the Glavin Regional Center; provided, that in order to comply with the provisions of the Olmstead decision and to enhance care within available resources to clients served by the department, the department shall take steps to consolidate or close intermittent care facilities for the mentally retarded, called ICF/MRs, managed by the department and shall endeavor within available resources to discharge clients residing in the ICF/MRs to residential services in the community when the following criteria are met: 1) the client is deemed clinically suited for a more integrated setting, 2) community residential service capacity and resources available are sufficient to provide each client with an equal or improved level of service and, 3) the cost to the commonwealth of serving the client in the community is less than or equal to the cost of serving the client in ICF/MRs, so-called; provided further, that any client transferred to another ICF/MR as the result of a facility closure shall receive a level of care that is equal to or better than the care that had been received at the closed ICF/MR, so-called; provided further, that the department shall report to the joint committee on human services and the house and senate committees on ways and means on the progress of this initiative, including both past actions and proposed future actions; provided further, that the report shall include progress on the plan for the closure of the Fernald Developmental Center; provided further, that the report shall include: the number of clients transferred from facility care into the community, the community supports provided to clients discharged from facility care into the community and the current facility bed capacity relative to the number of clients in ICF/MRs, so-called, managed by the department; provided further, the report shall also include steps being taken to help minimize increases in travel distances for family members visiting clients at ICF/MRs, so-called, resulting from the transfer of clients from one ICF/MR, so-called, to another; provided further, that the department shall submit the report no later than February 15, 2005; provided further, that the Fernald Developmental Center shall not be closed prior to October 2005 to ensure adequate community, client, and family member input into the closure planning process; provided further, that the

department of mental retardation shall submit a plan regarding the closure of the Fernald State School by January 1, 2005 to the house and senate committees on ways and means; provided further, that said plan shall detail the transition of clients from said school to appropriate settings; provided further, that the plan shall include consideration for the transition of employees of said school into community setting with their clients in order to ensure continuity of service wherever possible; provided further, that said plan shall be subject to the approval of the house and senate committees on ways and means; provided further, that the department may allocate funds from this item to items 5920-2000, 5920-2010, and 5920-2025, as necessary, pursuant to allocation plans submitted to the house and senate committees on ways and means 30 days prior to any such transfer, for residential and day services for clients formerly receiving inpatient care at ICF/MRs; and provided further, that the department shall maximize federal reimbursement, whenever possible under federal regulation, for the direct and indirect costs of services provided by the employees funded in this item..... 160,220,259”;

In item 5920-2020, by striking out the figures “58,000,000” and inserting in place thereof the figures “60,000,000”;

By adding at the end thereof the following two sections:

“SECTION 321. There is hereby established a Fernald Developmental Center Land Reuse Committee. The committee shall include the mayor of the city of Waltham, who shall serve as chair of said committee, the ward councilor from the city of Waltham representing the ward in which the campus is located, who shall serve as vice-chair of said committee, the planning director of the city of Waltham, the commissioner of the Massachusetts department of mental retardation, a mentally retarded consumer who is a resident of Fernald, and who shall be appointed by the commissioner of mental retardation, the commissioner of the department of capital asset management and maintenance, 7 citizens of Waltham to be appointed by the mayor of the city of Waltham, of whom four shall be the citizens appointed to said committee during fiscal year 2004, the state representative from the ninth Middlesex house district, the state representative from the tenth Middlesex house district, and the senator from the third Middlesex senate district. The committee shall be responsible for representing the interests of the town in all negotiations with the division of capital asset management and maintenance and the department of mental retardation about the reuse and future development of the developmental center property. The committee shall, with the assistance of the division, develop a Comprehensive Reuse Consensus Plan for Fernald Developmental Center State Property, which shall provide a detailed description, by parcel, of how the property is to be developed upon closure of the Fernald

campus. The plan shall include a description of any potential environmental degradation of the property, along with a proposal for environmental remediation, and a proposed cost for the cleanup, including, but not limited to, any building demolition required on the site. The goals of the plan may include, but shall not be limited to, preservation of open space, creation of affordable housing, development of new business, the creation of recreational opportunities, the development of new community residences for the mentally retarded consumers of Fernald Center, and any other applicable community priorities. The plan may also provide for parcels of land, and specific facilities, to remain under the control of the department of mental retardation. In its deliberations, the re-use committee shall incorporate smart growth policies to the extent possible, and will be mindful of the rights of current Fernald residents, and their need for adequate and appropriate housing, clinical services, and appropriate staffing provided by DMR. The committee will examine and consider models for the provision of these services on a section of the Fernald property. The process the committee shall follow will be determined by a majority vote of its members and shall include a public hearing at the beginning of the process to solicit comments, ideas and re-use proposals. The committee shall develop a framework with guidelines and parameters as to the re-use of the property. The committee may appoint subcommittees to review particular subjects within the framework of the study, and may assign a subcommittee to produce a detailed reuse proposal, provided, that at least two-thirds of the members of said subcommittee shall be Waltham residents or officials. Said subcommittee shall present the re-use proposal to the committee which shall invite the public to comment at a public hearing. The committee may amend and revise said plan in order to reach a consensus on one concept. Upon approval by the reuse committee, the plan shall be presented to the Waltham city council for approval, and, if endorsed by majority vote of the council, filed with the division of capital asset management and maintenance. The plan shall also be submitted to the chairs of the house and senate committees on ways and means, and to the house and senate chairs of the joint committee on state administration, along with copies of authorizing legislation, if any, necessary to effectuate the provisions of the reuse plan. If the reuse plan provides for the conveyance of land from the state to the city of Waltham, the legislation shall provide that the price paid for such parcel be for the full and fair market value of the property determined by independent appraisal, for the uses described in the plan, including, but not limited to, any restrictions or and requirements imposed by the plan. Said legislation shall ensure that proceeds from any sale are first applied to repay the commonwealth for the cost of any bonds issued for environmental remediation, consulting services, or other closure costs. Said legislation shall also provide that any remaining proceeds be provided to the department of mental retardation for capital improvements at Fernald, at other intermediate care facilities for the mentally retarded (ICF/MRs), or at community residential settings operated by the state. The reuse committee shall meet as necessary

to complete said reuse plan, as determined by a majority vote of the committee.

SECTION 322. Section 678 of chapter 26 of the acts of 2003 is hereby repealed.”;

In item 4000-0300, in line 3, by inserting after the word “funds” the following: “; provided further, that the executive office and its agencies, when contracting for services on the islands of Martha’s Vineyard and Nantucket, shall take into consideration the increased costs associated with the provision of goods, services, and housing on said islands; provided further, that in order to enhance care for individuals, families and communities in need of substance abuse prevention, treatment and supportive services, to develop an overarching policy for substance abuse prevention and treatment services, and to assure best value to the citizens of the Commonwealth, said secretary shall submit a report to the joint committee on health care, the joint committee on human services, the joint committee on insurance and the house and senate committees on ways and means no later than February 1, 2005 on the state of alcohol and other drug addiction prevention and treatment services in the commonwealth; provided further, that said report shall include, but not be limited to, identification of all alcoholism and other drug addiction prevention and treatment services currently available across all state agencies and departments, including services for incarcerated individuals and individuals released from prisons and jails, the availability and accessibility of services at the time services are needed, the status of a continuum of care needed to establish a seamless transition for recovery and to prevent behavior leading to addiction, the need for the availability and coordination of services for people with mental health and addiction disorders, the availability of services for culturally competent and culturally specific populations, the reimbursement of substance abuse recovery and treatment services so as to reflect the reasonable cost of delivering care to individuals in the most appropriate, least restrictive settings, and the viability of third party insurance payors that will insure that services paid for by state and federal funds remain the payor of last resort for the uninsured; provided further, said secretary shall solicit input from the public, including from individuals in recovery, families in recovery, organizations representing individuals in recovery, prevention and treatment service providers, and provider organizations; provided further, said report shall include the results of its investigation and study, together with a list of its findings and a list of prioritized legislative and regulatory recommendations, if any, to effect coordinated statewide policy and administrative structure for substance abuse prevention and treatment services”;

By striking out item 4000-0112 and inserting in place thereof the following item:

“4000-0112 For matching grants to municipalities, boys’ and girls’ clubs, YMCA and YWCA organizations and non-profit community centers for a program to prevent high rates of juvenile delinquency, teen pregnancy and high school dropout rates for youths-at-risk, so-called; pro-

vided, that the program shall be structured to require collaboration in each such neighborhood between agencies of the executive office of health and human services and the departments of human services and education, the county sheriffs’ offices, public safety departments, boys’ and girls’ clubs, YMCA and YWCA organizations and non-profit community centers of each participating municipality; provided further, that youths-at-risk shall include, but not be limited to, those teenagers and pre-teenagers identified with histories of court involvement, significant or continuous exposure to criminal behavior in their households, truancy, homelessness, children-in-need-of-services status, so-called, or involvement with the departments of social services or youth services; provided further, that funds from this item may be expended to provide after school programs that include parental accountability and training, court-based assessments, mentoring, substance abuse prevention and recreational programs; provided further, that the executive office shall work in conjunction with public and private organizations for the purposes of securing new matching funds for expenditures made from this item; provided further, that the secretary of health and human services shall award the full amount of each grant to each organization upon commitment of matching funds from the organization; provided further, that the secretary shall report to the house and senate committees on ways and means on the types of services, the cost of each such service, the exact amounts matched by each program, the names of vendors contracted by each program, the projected number of children to be served by each program, the goals of each program and expected outcomes for fiscal year 2005 by March 1, 2005; provided further, that not less than \$500,000 shall be expended to the YMCA of greater Boston to facilitate capital projects approved by the board of directors of said YMCA; provided further, that not less than \$575,000 shall be expended to the Massachusetts Alliance of Boys and Girls Clubs to distribute funds to boys and girls clubs in the Commonwealth; provided further, not less than \$50,000 shall be expended for the West End Boys & Girls Club in the Allston-Brighton section of the City of Boston for the purpose of providing improved services for the children of the community; provided further, that not less than \$200,000 shall be expended to the YMCA of Greater Lynn to facilitate capital projects approved by the board of directors of said YMCA; provided further, that not less than \$25,000 shall be expended for the Brockton

Boys & Girls Club for the operation of programs and services to young people 6-18 years of age in five core areas: character and leadership development, education and career development, health and life skills, art and sports fitness and recreation; provided further, that not less than \$50,000 shall be expended to the Waltham Boys and Girls Club; provided further, that not less than \$50,000 shall be expended to the Newton Boys and Girls Club; provided further, that not less than \$100,000 shall be expended for the YMCA Spartacus Program in Worcester; provided further, that not less than \$69,000 shall be expended to the Franklin Community Action Commission for youth services; provided further, that \$30,000 shall be expended for the Boys & Girls Club of Cape Cod; provided further, that \$40,000 shall be expended for the Saugus YMCA; and provided further, that not less than \$20,000 shall be expended for youth counseling, GED/School-to-Career Program, drug prevention, and at-risk youth services at a regional youth center in Uxbridge 1,709,000”;

In item 4130-0005, by striking out the figures “6,655,858” and inserting in place thereof the figures “6,891,858”;

In item 4130-1000, by striking out the figures “12,096,488” and inserting in place thereof the figures “12,191,488”;

In item 4510-0106, by striking out the figures “50,000” and inserting in place thereof the figures “75,000”;

By striking out item 4510-0110 and inserting in place thereof the following item:

“4510-0110 For community health center services; provided, that no funds shall be expended in the AA subsidiary, so-called, for any personnel-related costs; provided further, that the department shall submit a tentative allocation schedule of the community health center grants to the house and senate committees on ways and means not later than February 1, 2005; provided further, that not less than \$50,000 shall be expended for the Cape Cod Free Clinic; and provided further, that not less than \$100,000 shall be expended for the O'Neill Health Center 4,531,635”;

By striking out item 4510-0600 and inserting in place thereof the following item:

“4510-0600 For an environmental and community health hazards program, including control of radiation and nuclear hazards, consumer products protection, food and drugs, lead poisoning prevention in accordance with chapter 482 of the acts of 1993, lead-based paint inspections in day care facilities, inspection of radiological facilities, licensing of x-ray technologists and the administration of the division of environmental epi-

demology and toxicology for the purposes of chapter 470 of the acts of 1983, the ‘Right-to-Know’ law; provided, that the expenditures from this item for the fair packaging and labeling survey program shall be contingent upon the prior approval of the proper federal authorities for reimbursement of 100 per cent of the amounts so expended; provided further, that \$150,000 shall be expended for a contract with the ALS Therapy Development Foundation to study the current level of research for the prevention and treatment of amyotrophic lateral sclerosis in the commonwealth; provided further, that \$75,000 shall be expended for the ALS registry create by section 26 of chapter 140 of the acts of 2003; provided further, that \$30,000 shall be expended for a renal disease program administered by the National Kidney Foundation of Massachusetts, Rhode Island and Vermont for nutritional supplements and early intervention services for those affected by renal disease and those at risk of renal disease; provided further, that not less than \$100,000 shall be expended for the purposes for research and prevention activities associated with Lyme disease, so called, to be conducted by the Barnstable County Department of Health and the Environment; provided further, that not more than \$14,800 shall be allocated to the Franklin Regional Council of Governments for costs associated with the regional public health program; provided further, that \$195,000 shall be expended for the purpose of the director of the bureau of environmental health assessment of the department of public health to conduct an environmental risk assessment of the health impacts of the General Lawrence Logan Airport in the East Boston section of the city of Boston on any community that is located within a 5 mile radius of the airport and is potentially impacted by the airport; provided further, that the assessment may include, but not be limited to, examining incidences of respiratory diseases and cancers and performing medical and laboratory tests and examinations of residents of these communities; provided further, that the bureau shall report its findings together with any recommended response actions by the commonwealth to the house and senate committees on ways and means not later than February 1, 2005; provided further, that not less than \$81,000 shall be expended for the maintenance of a statewide lupus database; provided further, that \$50,000 shall be expended for the purpose of studying the public health impacts of TCE, benzene and other contaminants found in the Barnes and Southampton aquifers located within the towns of Southampton and East-

hampton and the cities of Holyoke and Westfield; and provided further, that no funds appropriated in this item shall be expended for the purpose of siting or locating a low-level radioactive waste facility in the commonwealth 2,927,580”;

In item 4512-0103, in line 24, by inserting after “4580-1000” the following: “; provided further, that not less than \$150,000 shall be expended for the Springfield Public Health Department”;

By striking out item 4512-0200 and inserting in place thereof the following item:

“4512-0200 For the bureau of substance abuse services, including a program to reimburse driver alcohol education programs for services provided for court adjudicated indigent clients; provided, that no contracts shall be awarded to those organizations providing services to non-Massachusetts residents; provided further, that funds shall be expended for Latinas y Ninos; provided further, that no funds appropriated herein shall be expended for Latinas y Ninos until said organization provides evidence that funds shall not be used to support non-Massachusetts residents; provided further, that no funds shall be expended in the AA subsidiary, so-called, for any personnel-related costs; provided further, that not less than \$90,000 shall be expended for Beacon Recovery for programming at the Orange Recovery House; provided further, that not less than \$99,000 shall be expended for Self Esteem Boston’s prevention programs; provided further, that not less than \$45,000 shall be expended for the Framingham Coalition for Prevention of Drug and Alcohol abuse; provided further, that not less than \$100,000 shall be expended for a contract with Bay Cove Human Services, Inc. for the purposes of establishing an independent licensed halfway house in the Charlestown neighborhood of Boston, in collaboration with the Charlestown Recovery House, Inc., for persons in recovery from alcoholism and chemical dependency; provided further, that not less than \$525,000 shall be expended for a contract with STEP, Inc. for sobriety, treatment, education and prevention; provided further, that not less than \$50,000 shall be expended for the New Beginnings program; provided further, that not less than \$75,000 shall be expended for the Tynan Community Centers Adolescence Wellness program in the South Boston section of city of Boston; provided further, that not less than \$370,800 shall be expended to the Gavin Foundation for an adolescent residential facility for substance abuse and rehabilitation services in the South Boston section of the city of Boston; provided

further, that not less than \$100,000 shall be expended for the maintenance and operation of the Intensive Outpatient Program at the South Boston Collaborative for the purposes of responding to adolescent suicide clusters and drug abuse in the South Boston section of the city of Boston; provided further, that not less than \$60,000 shall be provided to Project COPE, Inc. in Lynn for the prevention and education of the problems associated with Oxy-Contin and Heroine use; provided further, that \$500,000 shall be expended for a sixty-five person recovery shelter run by the Pine Street Inn in the north Dorchester section of Boston; provided further, that not less than \$50,000 shall be expended for the Russian Teens-at-Risk program operated by the Jewish Family Children’s Service in the city of Boston and the town of Brookline; provided further, that not less \$50,000 shall be expended for the Louis D. Brown Peace Institute for homicide victims’ family support services and anti-violence advocacy programs; provided further, that not less than \$50,000 be expended for the REACH program; provided further, that not less than \$250,000 shall be expended for the Latino After School Initiative; provided further, that not less than \$100,000 shall be expended for the Springfield Catchment Area with the Northern Educational Services, Inc. (NES), so-called, as the lead agency; provided further, that \$100,000 shall be expended for a special commission relative to eliminating cervical cancer in the commonwealth, consisting of seventeen members, including five members appointed by the Speaker of the House, at least one of whom shall also be a member of the Massachusetts Caucus of Women Legislators, five members appointed by the President of the Senate, at least one of whom shall also be a member of the Massachusetts Caucus of Women Legislators, and seven members appointed by the Governor, including one member from the American Cancer Society, one representative of a women’s health organization, one member of the health insurance industry, one member of the American College of Obstetrics and Gynecology, the State Epidemiologist, and two members at large; provided further, that the chair of said commission shall be appointed by the Speaker of the House and shall be a member of the Massachusetts Caucus of Women Legislators, and the vice-chair of said commission shall be the Chair for the Health Care Committee; provided further, that said commission shall have the following duties: (1) to undertake a statistical and qualitative examination of the prevalence and burden of cervical cancer; (2) to

raise public awareness on the causes and capture of cervical cancer, personal risk factors, value of prevention, early detection, option for testing, treatment costs, new technology, medical care reimbursement, and physician education; (3) to identify priority strategies, new technologies, or newly introduced vaccines which are effective in preventing and controlling the risk of cervical cancer; (4) to identify and examine the limitations of existing laws, regulations, programs, and services with regard to coverage and awareness issues for cervical cancer and (5) to receive and to consider reports and testimony from individuals, local health departments, community-based organizations, voluntary health organizations, and other public and private organizations statewide to learn more about contributions to cervical cancer diagnosis, prevention, and treatment and more about improving cervical cancer prevention diagnosis, and treatment in the commonwealth; and provided further, that said commission shall report to the clerk of the house of representatives and to the house and senate committees on ways and means the results of its investigation and study and its recommendations on or before the fourth anniversary of the commission's establishment 36,227,349";

In item 4512-0500, in line 4, by inserting after the word "disabled" the following: "; provided further, that not less than \$122,000 shall be allotted to the Doherty Dental Health Clinic in the City of Taunton for the basic dental needs of moderate and low income residents of Southeastern Massachusetts"; and in said item, by striking out the figures "1,229,150" and inserting in place thereof the figures "1,531,150";

By striking out item 4513-1000 and inserting in place thereof the following item:

"4513-1000 For the operation of the bureau of family health services; provided, that no funds shall be expended in the AA subsidiary, so-called, for any personnel-related costs; provided further, that funds shall be expended on family planning clinics, rape crisis centers and primary care services for women and children; provided further, that the amount appropriated herein shall be allocated in the same proportion of the allocation of funds appropriated in this item in fiscal year 2003; and provided further, that procurement of services for immigrant and refugee victims within the department of social services may be coordinated with the department of public health 6,340,000";

By striking out item 4530-9000 and inserting in place thereof the following item:

"4530-9000 For teenage pregnancy prevention services; provided, that no funds shall be expended in the AA subsidiary, so-called, for any personnel-related costs; provided further, that applications for such funds shall be administered through the department upon receipt and approval of coordinated community service plans to be evaluated in accordance with guidelines issued by the department; provided further, that portions of the grants may be used for state agency purchases of designated services identified by said community service plans; provided further, that \$450,000 shall be expended on those communities with the highest teen birth rates, including Holyoke, Chelsea, Lawrence, Springfield, Lowell, Lynn and New Bedford; provided further, that not less than \$150,000 shall be expended for the Berkshire Coalition to Prevent Teen Pregnancy program in Berkshire County; and provided that not less than \$225,000 shall be expended for the abstinence-based teen pregnancy prevention programs in the cities of North Adams and Pittsfield; and provided further, that of said \$225,000, not less than \$125,000 shall be expended for said program in the city of Pittsfield 825,000";

In item 4580-1000, by striking out the figures "19,152,068" and inserting in place thereof the figures "20,772,429";

By striking out item 4590-0250 and inserting in place thereof the following item:

"4590-0250 For school health services and school-based health centers in public and non-public schools; provided, that no funds shall be expended in the AA subsidiary, so-called, for any personnel-related costs; provided further, that services shall include but not be limited to: (1) strengthening the infrastructure of school health services in the areas of personnel and policy development, programming, and interdisciplinary collaboration; (2) developing linkages between school health services programs and community health providers; (3) incorporating health education programs, including tobacco prevention and cessation activities in school curricula and in the provision of school based health services and (4) incorporating obesity prevention programs, including nutrition and wellness programs in school curricula to address the nutrition and lifestyle habits needed for healthy development; provided further, that not more than \$250,000 shall be expended for the governor's commission on gay and lesbian youth; provided further, that \$99,000 shall be expanded to the H.E.L.P. Program so-called for black males health; provided further, that not less than \$120,000 shall be expended for the

public health model of community engagement and intervention for sexual violence and intimate partner violence in the homosexual male community; provided further, that not less than \$200,000 shall be expended for Berkshire Area Health Education Center, Inc. for support and implementation of model community coalitions and community capacity building activities; and provided further, that said services shall meet standards and eligibility guidelines established by the department of public health in consultation with the department of education 14,122,966”;

In item 4590-0300, by striking out the figures “1,750,000” and inserting in place thereof the figures “3,750,000”;

In item 4590-0915, in line 8, by inserting after the word “realignment” the following: “; provided further, that Tewksbury State Hospital shall provide \$30,000 of given funds for chaplain services”;

In item 1201-0100, by striking out the figures “107,470,805” and inserting in place thereof the figures “109,470,805”; and

By adding at the end thereof the following five sections:

“SECTION 323. Notwithstanding any general or special law to the contrary the Department of Public Health shall, subject to the following requirements, approve the development and operation of elective cardiac angioplasty pilot programs in hospitals currently operating primary cardiac angioplasty under Department of Public Health special project authorization. In order to obtain approval, each hospital must: have participated in the primary angioplasty special project for at least one year and has performed the required thirty-six angioplasties; meet American College of Cardiology/American Heart Association guidelines for proficiency in physician operator volumes; agree to submit patient specific outcome data as required by the Cardiac Quality Advisory Commission. The Department shall conduct an annual evaluation of all elective angioplasty pilot programs and shall submit a report to the house and senate committee on ways and means and the joint committee on health care.

SECTION 324. A special commission is hereby established to investigate and study the feasibility of public access to defibrillators. Said commission shall be comprised of the chairs of the Joint Committee on Public Safety or their designees, the house and senate committees on ways and means or their designees, a designee from the American Heart Association, and other members of the medical profession. Said commission shall file its report with the clerk of the house of representatives on or before July 31, 2005.

SECTION 325. Notwithstanding any general or special law to the contrary, the division of capital asset management and maintenance is hereby authorized and directed to pay reasonable costs associated with the reestablishment of the Boston Indian Center and is further authorized to recapture such costs from the sale of state property upon which said center is currently located.

SECTION 326. (a) Notwithstanding any special or general law to the contrary, the Executive Office of Health and Human Services

shall develop and issue a Request for Proposals no later than December 31, 2004, to outsource the delivery of the MassHealth Dental Program benefits to a third party administrator by March 31, 2005. The third party administrator shall be an experienced dental benefits administrator capable of maintaining an adequate dental provider panel to provide access for MassHealth clients in a cost-effective manner.(b) The Executive Office shall utilize the information it collected following its issuance in June 2002 of a detailed Request for Information to assist in the development of a Request for Proposals to seek a third party administrator for the MassHealth Dental Program. The Executive Office shall design the third party administered MassHealth Dental Program with features consistent with a private dental benefits plan. (c) Prior to awarding any contract for the services of a third party administrator for the MassHealth Dental Program, the Executive Office shall file a report to the Senate and House committees on ways and means regarding the anticipated costs and benefits of contracting with such administrator.(d) The Executive Office shall designate a position as the MassHealth Dental Program manager, with clinical dental experience, to act as liaison with the third party administrator.(e) The Executive Office shall be responsible for developing a method for monitoring the third party administrator’s progress and compliance in meeting recognized standards for access to MassHealth members.(f) One year following the contracting with a third party administrator, the Executive Office shall file a report to the Senate and House clerks and with the Joint Committee on Healthcare regarding the number of MassHealth dental recipients and number and types of services arranged through such administrator, as compared to the prior one-year period when the MassHealth Dental Program was administered by the Executive Office.

SECTION 327. Notwithstanding the provisions of any general or special law to the contrary, the commissioner of the division of health care finance and policy shall review and approve or disapprove rates for the Basic and Complex levels of adult day health services. In addition to the eligibility criteria for the basic level-of-care as outlined in 130 CMR 404.407, any participant requiring nursing services as outlined in 130 CMR 456.409(C) may be eligible for the basic level-of-care. Any participant who meets the eligibility criteria for nursing home placement pursuant to 130 CMR 456.409, in effect on January 1, 2004, and has been diagnosed with dementia may be eligible for participation in a dementia-specific program. The commissioner of the division of medical assistance, or its successor, shall not restrict the number of persons participating in any dementia-specific program based on the number of participants who have participated in previous years.”.

The amendments were adopted.

Pending the question on passing the bill, as amended, to be engrossed, Mr. DiMasi of Boston asked for a count of the House to ascertain if a quorum was present. The Speaker, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Quorum,
yea and nay
No. 622.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 155 members were recorded as being in attendance.

[See Yea and Nay No. 622 in Supplement.]

Therefore a quorum was present.

Bill passed
to be
engrossed,
yea and nay
No. 623.

After debate on the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Rogers of Norwood; and on the roll call 157 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 623 in Supplement.]

Therefore the bill, as amended, was passed to be engrossed.

Mr. Rogers of Norwood moved that this vote be reconsidered; and the motion to reconsider was considered forthwith; and it was negatived. The bill (House, No. 4601, printed as amended) then was sent to the Senate for concurrence.

Order.

On motion of Mr. DiMasi of Boston,—

Next
sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

At ten minutes before one o'clock A.M. (Friday, April 30), on further motion of Mr. DiMasi (the Speaker being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.